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Site

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EPA ID Number

KQ1468 **587 DEVELOPMENT INC.**
NNE **587 KINGS HIGHWAY**
> 1 **BROOKLYN, NY 11223**
1.854 mi.
9788 ft. **Site 3 of 3 in cluster KQ**

NY UST **U001841647**
NY Spills **N/A**
NY E DESIGNATION

Relative:
Higher

UST:

Actual:
23 ft.

Name: 587 DEVELOPMENT INC.
Address: 587 KINGS HIGHWAY
City,State,Zip: BROOKLYN, NY 11223
Id/Status: 2-600867 / Unregulated/Closed
Program Type: PBS
Region: STATE
DEC Region: 2
Expiration Date: N/A
UTM X: 587342.58830
UTM Y: 4495482.98791
Site Type: Retail Gasoline Sales

Affiliation Records:

Site Id: 22839
Affiliation Type: Facility Owner
Company Name: MR. JOHN PIZZUTO
Contact Type: Not reported
Contact Name: Not reported
Address1: 134 85TH STREET
Address2: Not reported
City: BROOKLYN
State: NY
Zip Code: 11209
Country Code: 001
Phone: (718) 836-8358
EMail: Not reported
Fax Number: Not reported
Modified By: TRANSLAT
Date Last Modified: 2004-03-04

Site Id: 22839
Affiliation Type: Mail Contact
Company Name: 587 DEVELOPMENT INC.
Contact Type: Not reported
Contact Name: MR. JOHN PIZZUTO
Address1: 134 85TH STREET
Address2: Not reported
City: BROOKLYN
State: NY
Zip Code: 11209
Country Code: 001
Phone: (718) 836-8358
EMail: Not reported
Fax Number: Not reported
Modified By: TRANSLAT
Date Last Modified: 2004-03-04

Site Id: 22839
Affiliation Type: Facility Operator
Company Name: 587 DEVELOPMENT INC.
Contact Type: Not reported
Contact Name: LAZUR LEVITTON
Address1: Not reported

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Address2: Not reported
City: Not reported
State: NN
Zip Code: Not reported
Country Code: 001
Phone: (718) 421-4295
EMail: Not reported
Fax Number: Not reported
Modified By: TRANSLAT
Date Last Modified: 2004-03-04

Site Id: 22839
Affiliation Type: Emergency Contact
Company Name: MR. JOHN PIZZUTO
Contact Type: Not reported
Contact Name: LAZUR LEVITTONC
Address1: Not reported
Address2: Not reported
City: Not reported
State: NN
Zip Code: Not reported
Country Code: 001
Phone: (718) 836-8358
EMail: Not reported
Fax Number: Not reported
Modified By: TRANSLAT
Date Last Modified: 2004-03-04

Tank Info:

Tank Number: 003
Tank ID: 50639
Tank Status: Closed - Removed
Material Name: Closed - Removed
Capacity Gallons: 550
Install Date: 09/01/1972
Date Tank Closed: 03/01/1999
Registered: True
Tank Location: Underground
Tank Type: Steel/carbon steel
Material Code: 0022
Common Name of Substance: Waste Oil/Used Oil

Tightness Test Method: NN
Date Test: Not reported
Next Test Date: Not reported
Pipe Model: Not reported
Modified By: TRANSLAT
Last Modified: 04/14/2017

Equipment Records:

B00 - Tank External Protection - None
F00 - Pipe External Protection - None
H00 - Tank Leak Detection - None
I00 - Overfill - None
A00 - Tank Internal Protection - None
D00 - Pipe Type - No Piping
J00 - Dispenser - None
C02 - Pipe Location - Underground/On-ground

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G00 - Tank Secondary Containment - None

Tank Number: 1
Tank ID: 44144
Tank Status: Closed - Removed
Material Name: Closed - Removed
Capacity Gallons: 4000
Install Date: 09/01/1972
Date Tank Closed: 03/01/1999
Registered: True
Tank Location: Underground
Tank Type: Steel/carbon steel
Material Code: 0009
Common Name of Substance: Gasoline

Tightness Test Method: 03
Date Test: 02/01/1996
Next Test Date: Not reported
Pipe Model: Not reported
Modified By: TRANSLAT
Last Modified: 04/14/2017

Equipment Records:

H00 - Tank Leak Detection - None
I00 - Overfill - None
A00 - Tank Internal Protection - None
B01 - Tank External Protection - Painted/Asphalt Coating
D02 - Pipe Type - Galvanized Steel
F00 - Pipe External Protection - None
C02 - Pipe Location - Underground/On-ground
G00 - Tank Secondary Containment - None
J02 - Dispenser - Suction Dispenser

Tank Number: 2
Tank ID: 44145
Tank Status: Closed - Removed
Material Name: Closed - Removed
Capacity Gallons: 4000
Install Date: 09/01/1972
Date Tank Closed: 03/01/1999
Registered: True
Tank Location: Underground
Tank Type: Steel/carbon steel
Material Code: 0009
Common Name of Substance: Gasoline

Tightness Test Method: 03
Date Test: 02/01/1996
Next Test Date: Not reported
Pipe Model: Not reported
Modified By: TRANSLAT
Last Modified: 04/14/2017

Equipment Records:

D02 - Pipe Type - Galvanized Steel
F00 - Pipe External Protection - None
H00 - Tank Leak Detection - None
I00 - Overfill - None

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A00 - Tank Internal Protection - None
B01 - Tank External Protection - Painted/Asphalt Coating
C02 - Pipe Location - Underground/On-ground
G00 - Tank Secondary Containment - None
J02 - Dispenser - Suction Dispenser

SPILLS:

Name: 587 DEVELOPMENT INC
Address: 587 KINGS HIGHWAY
City, State, Zip: BROOKLYN, NY
Spill Number/Closed Date: 9901118 / 2015-12-30
Facility ID: 9901118
Facility Type: ER
DER Facility ID: 261350
Site ID: 324463
DEC Region: 2
Spill Cause: Unknown
Spill Class: B3
SWIS: 2401
Spill Date: 1999-04-29
Investigator: AAOBLIGA
Referred To: REFERRED TO LEGAL
Reported to Dept: 1999-04-29
CID: 384
Water Affected: Not reported
Spill Source: Institutional, Educational, Gov., Other
Spill Notifier: Local Agency
Cleanup Ceased: 2004-04-20
Cleanup Meets Std: False
Last Inspection: Not reported
Recommended Penalty: False
UST Trust: True

Remediation Phase: 0
Date Entered In Computer: 1999-04-29
Spill Record Last Update: 2016-03-10
Spiller Name: JOHN PIZZUTO
Spiller Company: 587 DEVELOPMENT INC
Spiller Address: 180 72ND STREET, #335
Spiller Company: 999
Contact Name: JOHN PIZZUTO
DEC Memo: "Prior to Sept, 2004 data translation this spill Lead_DEC Field was
VOUGHT 12/5/03 Reassigned from O'Dowd to Vought.
12/5/2003-Vought-Spoke with Russel Furia (Zytel PC 631-544-0092 cell
516-319-7094) and ten-story building is built above site. Zytel
stated that Gene Kiselman (see spill #9610335 at 6501 Bay Parkway) is
developer. Site developer is 587 Development Inc, 134 85th Street
Brooklyn NY 11209 fax 718-836-8858. Zytel will perform Phase II and
will call back by Wed (12/10) with plans. 12/10/2003-Vought-Spill
transferred from O'Dowd to Vought. Vought sent letter to owners
requiring: 1) submission of UST closure data including endpoint
analyticals, site plan, disposal manifests and groundwater sample
2) Current status of site. Vought sent letter to site owner (according
to NYC Tax Assessor owner is LMB Holdings, LLC. 587 Kings Highway Apt
1, Brooklyn, NY 11223-2019). Vought called John Pizzuto (on PBS
registration) and he is no longer the owner of the property and he
also stated that a ten story residence was occupied and built by the
new owners. Vought sent certified letter with above requirements,
Stipulation Agreement and clause of NYC and NYS Department of Health
notification to 587 Kings Highway Development Inc and an uncertified

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copy to Michael Levin 187 Avenue U, Brooklyn , NY 11223 listed via the NYS Division of Corporations Entity Info. Both letters have a due date of 1/5/04. 12/29/2003-Vought-Received message from Bob Brill (718-627-0303x227) regarding site. 12/30/2003-Vought-Returned call to Bob Brill and left message to return call to DEC. Vought received call from Brill who is one of eight condominium owners. Building has eight tenants and a medical practice is housed in first floor and basement. Mr. Brill is not aware of any odor complaints. Management contact is Hadassah Rothenberg MalkaFaye Management 344 7th Avenue, Brooklyn, NY 11215 (718)788-8420x19 Fax 718-788-7170. Vought faxed Haddasah copy of STIP agreement. 1/6/03-Vought-No response received from Stipulation Agreement sent via ceritifed mail 12/10/03 with due date of 1/5/04. STIP returned as unclaimed. Case referred to DEC Legal Rubinton for enforcement. 1/6/04-Vought-Spoke to Dr. Leonard Bley (718-627-0303) who is a tenant of building and resident of Apt #1 and has no affiliation with building owner and he said no vapor issues. 1/16/04-Vought-Received message from Hadassah Rothenberg. 1/27/04-Vought-Returned call to Hadasah and left message to return call to DEC. 2/26/04-Vought-Corrective Action Plan dated 2/12/04 dropped of at DEC offices by Russel Furia. Review by Vought: CAP prepared by Zytel PC 265 Indian Head Road Kings Park, NY 11754 (631) 544-0092 Site was formerly utilized as a gasoline retail establishment and automobile service repair shop. Two (4000-gallon) gasoline USTs and one (550-gallon) waste oil UST were removed, site leveled and replaced by a modern 5-story apartment building with medical offices on the ground floors and eight apartments above. Phase II Site Assessment performed in March 2000 consisting of twelve soil borings to 12' in depth and collecting two soil samples from each. Soil analyticals show no TAGM 4046 Cleanup Objectives but samples not analyzed for MTBE. CAP proposes installation of two monitoring wells, soil borings in the basement of the building, geophysics and/or geophysical type data, well sampling and analysis, environmental sampling (air quality), QAQC protocols, health and safety, phase II report, qualitative health exposure assessment. Groundwater at a depth of 30'. Phase I report included in appendix states groundwater monitoring wells have been observed and the adjacent/surrounding properties consit of commercial building abutting the property from the west, a large six story high residential building abutting the property from the north. From the east and south the property is surrounded by Kings Highway and Ocean Parkway service road. Across from the property over Kings Highway roadway is another six story residential building . NYSDEC will require the following upon signing of Stipulation: 1)MTBE analysis on all future soil and groundwater samples NYSDEC 2)approval of CAP plan for installation of two wells, basement borings, geohpysics and geophysical type data, well sampling and analysis, environmental sampling(air quality sampling), QAQC protocols, health and safety, phase II report, qualitative health exposure assessment 4)former tank, dispenser, fill port, current building locations placed on current site plan 5)surrounding area site plan 6)additional installation of one monitoring well to determine groundwater flow. 2/27/04-Vought-Pre hearing conference with DEC legal Rubinton. Meeting resulted in Vought issuing another STIP and sending it to below address as per Russel Furia. STIP to include clause regarding updating owner info and mailing info of PBS registration as per DEC Rubinton. Mr. Gene Kiselman Ocean Parkway Development 216 E49th Street New York, NY 10017 Vought sent STIP with requirements of 1)submission of tank closure report and if one not available corrective action plan including the complete delineation of soil and

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groundwater contamination on 2/27/04. Stip due back to DEC by 3/19/04. 4/9/04-Vought-Stip not received as of yet. Called Russell Furia for STIP status and if DEC has not received signed STIP by 4/16/04 it will be referred back to DEC legal.

4/20/04-Vought-Stipulation received and implemented by DEC Kunkel. Vought called Furia to repeat requirements as per CAP. Vought faxed Furia copy of Stip and CAP and mailed copy of STIP to Ocean Parkway Development. 5/13/04-Vought-Called and left message with Furia requesting site status and no answer at office or cell number with no answering service. 6/10/04-Vought-Called zytel PC to remind them on 6/20/04 CAP submittal deadline date and left message regarding same. 6/14/04-Vought-Received message from Furia (516-319-7094). Vought returned call and he has not received payment as of yet and he will contact owners. 6/22/04-Vought-Received Phase II Subsurface Investigative Report/Corrective Action Plan from Zytel PC.

8/2/04-Vought-Spoke with Alex Gurivich and certificant of occupancy has expired. Alex requested review of investigation plan and letter be sent regarding approval of Temporary certificant of occupancy.

8/12/04-Vought-Reviewed Phase II received on 6/22/04. Phase II referred to Phase I dated 3/7/00 included in Appendix E from CAP dated 2/12/04. Three USTs were removed from the site in 4/99. Twelve test holes were drilled to a depth of 12 feet each and two samples were collected from each (0-6 feet and 6-12 feet) . Report concluded NFA is deemed necessary . Soil analyticals show no TAGM 4046 Required Soil Cleanup Objectives. Review of Phase II shows that two (4000-gallon) gasoline USTs and one (550-gallon) waste oil were removed from site. At present there exists a modern 5-story apartment building constructed of brick masonry . The ground floor of the building and the basement of the building has medical offices. There are apartments on floors 2 through 5 . Three wells were installed onsite, five test holes with soil gas samples were collected in the basement and seven ambient air samples were collected. Following the Limited Phase II Environmental Audit the site underwent an extensive excavation... This excavation removed soil down to approximately 3 feet above the zone of saturation. Consequently soil sampling was not necessary since the insitu soil had already been removed .

Groundwater present at 24 feet below grade. Groundwater analyticals show 1310ppb benzene(MW1), 1680ppb toluene(MW1), 882ppb ethylbenzene(MW1), 1860ppb xylene(MW1), 204ppb TCE(MW1), 19.7ppb 1,3,5-trimethylbenzene(MW2) and 15.7ppb naphthalene(MW2). Soil gas samples taken under foundation show up to 59ppb benzene, 360ppb toluene, 330ppb ethylbenzene and 12ppb MTBE. Air qualtiy was within acceptable limits from samples taken above cement flooring. Air analyticals showed minor detections of toluene and xylene. Report recommends the installation of five additional monitoring wells, implementation of a passive intrinsic bioremediation system and monthly indoor air sampling. 8/14/04-Vought-Sent letter requiring 1)complete delineation of soil and groundwater contamination as per CAP 2)submission of surrounding area property sketch 3)monthly indoor air sampling as per NYSDOH guidance (copy sent with letter) 4)installation and operation of remediation system addressing all contaminated media. Request for letter regarding temporary certificate of occupancy denied due to high soil gas concentrations underlying foundation and failure to adhere to CAP. Letter will be considered upon the completion and operation of a remediation system.

11/2/04-Vought-Received message from Bob Brill that odors entering building. Vought called Brill and spoke to receptionist who also complained of odors. Site visit by Vought. Odors reported at Lasik Eye Surgery Center in basement floor (Bob Brill 718-627-0303). No

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odors on first floor of building. Odor immediately detected upon entering reception area. PID reading of 5ppm in breathing space. One open hole through basement concrete slab as part of possible previous attempt at soil borings (four locations had been circular saw cut through finished wood floor however only one location had penetration through concrete slab). This one location located behind receptionist desk and had PID reading of 643ppm. As per Dr. Brill borings were performed around June by Russel Furia and odors were first detected in June and has been sporadically worse and better. Vought immediately called consultant (Furia) and required immediate sealing of floor. Furia stated that he was no longer consultant because owner Kiselman (845-270-3467 cell 3473862870) had not paid bill but he would call Kiselman. Vought asked for Kiselmans phone but was given that of Alex Gurrivich (attorney for owner 718-449-8300). Vought called Gurrivich who said he would immediately contact Kiselman. Vought notified NYCDOH Ray Nieves by leaving phone message. Vought also notified ECO's and requestd an immediate officer. Vought spoke to Gurrivich who stated Kiselman was on way to site with contractors to fill holes. Kiselman arrived onsite and as per Kiselman a vapor barrier was installed under building. Contactor arrived onsite and Vought witnessed sealing of holes and took PID readings after ventilation turned on full for approx 30 minutes. PID readings of 2ppm found. ECO Read arrived onsite who also performed a site visit and wrote an administrative ticket for unwholesome odors and delivered ticket to offices of Gurrivich. 11/4/04-DEC 1)called Ray Nieves (called and sent email of site visit notes from above) to see if site visit was performed and notify him of lack of Certificate of Occupancy 2)wrote and sent certified letter to Kiselman with previous requirements of 8/14/04 letter to be completed by December 5, 2004 3)called Lasik to see if odors still present and Vought spoke to Dr. Brill and odors are no longer present. Brill has not received contact from NYCDOH as of yet. Brill requested copy of FOIL and Vought faxed him application 4)spoke to DEC Oliva re Kiselmans request for meeting at DEC and Oliva approved meeting and also approved of 11/4/04 letter 5)called Kiselman re meeting and he agreed to have Gurevich call Oliva to schedule meeting. 11/5/04-Vought-Email from Paul Hatcher (Tyree). Tyree was contacted by Alex Gurevich and Gene Kiselman to act as their environmental consultant. Tyree has reviewed the reports and correspondence. Tyree requesting if Department has reviewed the Investigation and Subsurface Investigation Plan dated Feb 2004 and June 2004. Please let me know if you had chance to look at and approve these reports . Received a second email from Tyree that it does not appear that any of the work outlined in the CAP has been completed and ...we will need to start from the beginning and provide soil disposal documentation and an Investigation Plan for existing contamination . We will be conducting and initial site investigation in the near future . 11/8/04-Vought-Rommel sent 11/4/04 requirements. 11/8/04-Rommel received email that Tyree is handling both 587 Kings Highway and 6501 Bay Parkway (see spill 9610335). 11/18/04-Vought-Sent copy of 8/14/04 letter to Hatcher. Vought spoke to Hatcher and indoor air sampling will be implemented, wells were sampled on 11/15/04. Once results are received a well installation proposal will be submitted. 11/30/04-Vought-Meeting with DEC Oliva, Rommel and Vought. Effective date of CAP is reset today so ISR due within 60 days (2/1/04). 12/14/04-Vought-Spoke with Chris Tomasello and he requested further information on spill. 1/26/05-Vought-Reviewed Investigation Plan received on 12/31/04 and dated 12/20/04. Proposal for the 1)installation of seven monitoring wells (five along sidewalk of

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Kings Highway, one in the sidewalk along Ocean Parkway and one in a courtyard in the adjacent building (if access is granted))2)surrounding area site plan 3)delineation of soil contamination 4)Monthly indoor air sampling 5)installation and operation of a remedial system addressing all contaminated media. Results of monthly air sampling will be included in each of the quarterly reports generated . Vought sent letter approving of Investigation Plan but requiring that monthly indoor analyticals be submitted for review and possible forwarding to NYSDOH. NYSDOH Hughes, NYCDOH Nieves and Bob Brill cc'd on approval letter. 2/4/05-Vought-Received letter sent on 1/26/04 addressed to 216 East 49th Street returned as undeliverable. Vought called Kiselman for current address. Gene instructed to send it back to Janoff and Gurevich. Vought called Gurevich(212-829-9200) to confirm address and secretary added that address is: Alex Gurevich Janoff and Gurevich 216 East 49th Street 5th Floor New York, NY 10017 Vought reproduced 1/26/05 letter with date of 2/4/05 and sent and faxed to above address. 2/18/05-Vought-Received and reviewed indoor air analyticals. Vought called NYSDOH Rafferty for standards of comparison and left message to return call. Vought received call from Healey to see if indoor analyticals were reviewed yet. Vought requested that another copy be sent. 3/4/05-Vought-Received and reviewed indoor analyticals for month of February with indoor air concentrations of BTEX above background levels. Called HYSDOH Rafferty for standards of comparison. Vought spoke with NYSDOH Mike Hughes who requested copy of indoor anlyticals be sent. Vought emailed copy of indoor analyticals and spill report notes to NYSDOH Rafferty, NYCDOH Nieves for review. 3/10/05-Vought-Received email from Mike Hughes that indoor air analyticals were reviewed and the following was required: 1) the installation of an active sub-slab depressurization system and 2)collecting air samples is not necessary as long as petroleum odors are detected in the building. Vought spoke to DEC Tang and sent email to Hughes requesting requirements in letter format. Vought also copied Healey on email. 3/22/05-Vought-Called Mike Hughes for status of letter and he will contact NYCDOH for site visit. Upon conducting site visit Hughes will produce letter and sent to Kiselman. 3/28/05-Vought-Received draft letter from NYSDOH Hughes for review. Vought approved draft letter and letter will be finalized by NYSDOH upon review by NYCDOH. NYCDOH scheduling site visit on 3/31/05. Drilling scheduled for 2/29/05 and site visit will be performed by Vought on 3/30/05. 3/29/05-Vought-Called Brill and Kiselman and left message informing them of upcoming site visit on 3/30/05. Vought spoke to Kiselman and told him of site visit and NYCDOH's 3/31 inspection. Vought also gave Kiselman number for NYCDOH. 3/30/05-Vought-Site visit by DEC Vought and DEC Tang. Tyree onsite and 8 out of nine wells were installed. No free product detected in groundwater. Further delineation will be required west of MW7 and MW9. Air samples collected for the month of March. PID survey of building including former soil gas sampling locations, elevator shafts and 5th floor all show non-detect results. Tyree possibly will spray elevator shaft bottom with sealer to prevent further vapor intrusion. 4/5/05-Vought-Received email from NYSDOH Hughes that site visit by NYCDOH was completed and it appears their inspection did not reveal any problems . Is it reasonable that measures to seal penetrations in the basement may be sufficient to controlling sub surface vapor contamination? . Vought called and spoke with Hughes who requested copy of March indoor analyticals and said that he is going to confer with NYSDOH McDonald to see if letter requiring sub-surface ventilation system is needed prior to obtaining 3/05

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indoor analyticals. Vought sent email to Tyree and cc'd Hughes requesting copy of analyticals. 4/8/05-Vought-Received hard copy of indoor air analyticals. Vought sent request to Tyree (Healey) for email version to forward to NYSDOH. Reviewed indoor analyticals for month of March with indoor air concentrations of BTEX above background levels. 4/12/05-Vought-Received email copy of 3/05 indoor analyticals and forwarded to NYSDOH Hughes. Vought spoke with Hughes on 4/11/05 who requested copy of soil gas samples results from 8/04. Vought sent him hardcopy of results. 4/19/05-Vought-Received an email from Tyree Healey. I spoke with Mike Hughes about his concerns. He needed a copy of the map with the new sampling locations. We will also have to make an adjustment to the analysis method for the air sampling. Vought called Hughes for update and Hughes is formulating response of either additional sub slab soil gas sampling or recommending installation of a sub slab ventilation system based on indoor air sample exceedences. 4/26/05-Vought-Vought copied on email from NYSDOH Hughes to Tyree Healey dated 1/20/05. NYSDOH reviewed 2/05 and 3/05 Indoor analyticals and required the following info from Tyree: 1)Reason for difference in 2/05 and 3/05 sampling locations 2)are sampling locations in hallways or residences? 3)Reason why upper floors have higher BTEX as opposed to basement 4)Method of heating and cooling 5)HVAC details of building 6)presence of basement boiler room? 7)performance of a building questionnaire? 8)why was elevator shaft only a one time sample? 9)resampling of elevator shaft. Vought called Healey for status of delineation report and Department will receive report by 5/1/05. 5/16/05-Vought-Received indoor air analyticals for the month of April. Vought called Healey for: 1)status of delineation report. Delineation report delayed due to well survey and DEC will receive delineation report by 5/27. DEC will receive RAP by 6/16. Tyree spoke directly with NYSDOH and new map and sampling locations were sent to NYSDOH. No complaints received from building. Vought forwarded April indoor analyticals to NYSDOH Hughes. 5/17/05-Vought-Received email from NYSDOH Hughes. We now have data indicating that petroleum related compounds are present in the building at levels elevated above background and that building occupants continue to be exposed. Shawn Healey of Tyree did not address the comments and advice I provided in my April 20, 2005 note. Vought spoke with DEC Tang who required that Tyree respond to DOH's requirements in writing. Vought called Tyree and spoke with Hatcher and Healey to request response in writing. Vought called Hughes and left message to return call. 5/19/05-Vought-Received fax copy of Tyree's response to NYSDOH's requirements. Requirements were addressed to Mike Hughes (NYSDOH). Vought received email from Hughes with response to Tyree's written letter. Hughes required 1)product inventory every time indoor air samples are collected 2)feasibility of collection of sub-slab samples 3)evaluation of HVAC system. Vought forwarded email to Tyree and required written response to be sent to NYSDOH with cc sent to DEC. 5/25/05-Vought-Received second written response from Tyree to NYSDOH Hughes requirements via 5/19/05 email. Response written to NYSDOH Hughes and copied to DEC. 5/25/05-Vought-Received email response from NYSDOH Hughes addressed to Tyree(Healey). NYSDOH requested addition of 2,2,4-trimethylpentane to analyte list. Otherwise, your plans for investigation and sampling are fine. Vought forwarded requirement to Tyree and required that they send written response to NYSDOH and cc DEC. 5/26/05-Vought-Received email copy of written response from Tyree to NYSDOH agreeing to additional sampling analytes. 6/2/05-Vought-Received soil gas sample results from under elevator shaft and forwarded onto NYSDOH for review. Received email from

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NYSDOH Hughes that he received analyticals from elevator shaft and that the results appear to confirm a sub-slab vapor source of gasoline . NYSDOH also required inquiry with lab as to whether they can include the additional aliphatic compounds in the NYSDOH air sampling guidance (2,2,4-trimethylpentane). 6/13/05-Vought-Received Subsurface Investigation Report on 6/7/05 from Tyree. Vought spoke to Paul Hatcher who said that plan for vapor mitigation scheduled to be received by 6/17/05. 6/15/05-Vought-Reviewed Subsurface Investigation Report (Tyree) dated April 2005 and received on 6/7/05. Residential properties to the north, south, east and west. Installation of six monitoring wells. Groundwater at 18' below grade. Wells installed in sidewalk of Kings Highway away from source zone (under building) and as such there are no TAGM 4046 Required Soil Cleanup Objectives. Groundwater analyticals show: 170ppb benzene(MW1), 347ppb toluene(MW1), 251ppb ethylbenzene(MW1), 914ppb xylene(MW1), 558ppb benzene(MW5), 161ppb toluene(MW5), 2510ppb ethylbenzene(MW5), 7330ppb xylene(MW5), 4660ppb toluene(MW7), 15550ppb ethylbenzene(MW7), 8590ppb xylene(MW7), 12ppb benzene(MW9), 14ppb toluene(MW9), 665ppb ethylbenzene(MW9), 142ppb xylene(MW9) and 79ppb MTBE(MW9). Vought called Tyree Healey to require: 1)surrounding area site plan

2)complete delineation (additional wells located downgradient from MW9 and MW7). Vought sent letter with requirements on 6/15/05. Vought spoke to Tyree and Mitigation Plan will be received by 6/24/05 due to delay in receiving cost approval from Kiselman.

6/22/05-Vought-Received letters from Tyree Org and Microecologies Inc. Letter from Microecologies dated 5/31/05: it can be concluded that the heating and air conditioning systems serving the medical offices in the basement and on the first floor serve only those floors and do not provide a significant means of conveyance of air from the basement and/or first floor into the residential areas of the building on the 2nd through 5th floors , the forced air heating and air conditioning systems serving each of the residential apartments are completely independent from one another , it is reasonable to conclude that this phenonemon (the stack effect) is contributing substantially to the presence of this discernable odors and measurable vapors . Letter from Tyree (Healey) to NYSDOH Hughes dated 6/15/05. Tyree proposes: 1)submittal of report compiled by Microecologies 2)installation of one soil vapor extraction well at the bottom of the main elevator shaft connected to a 1.5HP Blower located in hot box outside the building adjacent to the parking area. All vapors will pass through two 85-gallon carbon drums 3)continuation of monthly air sampling. Mr Hughes, if you have any questions please do not hesitate to call. I would appreciate an immediate response to this proposal . 6/23/05-Vought-Received message from NYSDOH Hughes that he does not favor installation of above proposed SVE system in elevator shaft. Vought returned call and left message to return call. 6/24/05-Vought-Received draft letter response from NYSDOH Hughes stating SVE systems are primarily used to remove soil contamination and the proposed design may not effectively prevent vapors from migrating into the building. Active sub-slab depressurization systems typically used for controlling radon vapor intrusion have been shown to be effective and should be considered for this project . Vought discussed letter with DEC Tang and a teleconference between DEC and NYSDOH is scheduled for 6/28 to discuss feasibility of substituting depressurization system with Dual Phase extraction system. 6/28/05-Vought-Conference call with NYSDOH and agreement reached to install dual phase extraction system provided that pressure field measurement wells are also installed. NYSDOH will redraft letter and send to DEC. 6/29/05-Vought-Called

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Shawn Healey and gave approval to begin installation of SVE well in bottom of elevator pit. PID/LEL measurement will be continuous during well installation, elevator pit will be sealed, 4 well will be installed, pipe will be connected to hotbox and blower outside building which will be connected to effluent pipe above building roof. 6/30/05-Vought-Received draft NYSDOH letter, reviewed and approved with DEC Tang. DEC will draft letter to go with NYSDOH letter with additional requirements of 1)submission of foundation plans 2)continuation of monthly indoor air sampling 3)installation and submittal of plan with pressure field extension wells 4)sampling of SVE effluent. 7/6/05-Vought-Received indoor analyticals for the month of June and forwarded to NYSDOH Hughes. Vought called Hughes for status of signed NYSDOH letter and he sent in letter on 7/5/05. 7/8/05-Vought-Received signed original copy of NYSDOH letter for attachment to DEC Letter. Received approval of NYSDOH Hughes of NYSDOH letter with above requirements from 6/30/05. Vought called Healey and faxed him letters and sent originals to Kiselman. 7/11/05-Vought-Received message from Tyree Healey. Vought returned call and left message. 7/13/05-Vought-Received message from DEC Tang that he received call from a Dr. Smore who was resident at 587 Kings Highway (phone number unknown). Vought called Lasik Eye Surgery Center and no Dr. Smore worked there. Vought called information and no Dr. Smore worked there. FOIL has no information on spill either. Vought called Bob Brill and left message to return call to see if he knows Dr. Smore. Brill returned call and said a Dr. Small lived in building. Vought called information for a Dr. Small (718-382-0149). Vought called Small and gasoline odors detected previously. Vought explained installation of vapor mitigation system and dual phase recovery system. Dr. Small inquired about health effects and Vought referred him to NYSDOH Hughes and NYSDOH Nieves. 7/14/05-Vought-Conference call with NYSDOH Hughes, Hatcher and Healey. Well was installed and sealed in bottom of elevator pit. Piping is in place and no holes to subsurface present. Remaining work to be performed is electrical hookup. System scheduled to be running by middle of next week. NYSDOH Hughes suggested that a PID Survey be performed tomorrow afternoon by Tyree and Tyree agreed to perform survey. Hughes suggested that SUMA sample be obtained if odors persist after mitigation system operation. Vought spoke to Healey and PID sample will be taken at 12pm. 7/15/05-Vought-Received call from Tyree(Healey) that vapor mitigation system began operation and influent/effluent samples will be taken. 7/22/05-Vought-Received message from Tyree (Healey) that mitigation system is operational. Vought returned call and left message to return call to DEC. 7/25/05-Vought-Called Tyree(Healey) for 1)date of next collection of indoor air samples 2)date of submittal of Vapor mitigation plan with requirements from 6/30/05. Indoor air samples are scheduled to be collected 7/28, weekly site visits and weekly SVE sampling is being performed. DEC will receive Vapor Mitigation OM&M plan by 8/22. 7/27/05-Vought-Received message from Shawn Healey that carbon for SVE has been spent and will be replaced ASAP. 8/8/05-Vought-Called Shawn Healey for update on site and left message to return call. 8/9/05-Vought-Spill transferred to DEC Sun as per DEC Tang. 8/24/05-Sun-On 8/23/05, the Department received from Tyree the laboratory results of indoor air samples for the month of July and Vapor Mitigation OM&M Plan. The analytical results of indoor air samples were also forwarded to NYSDOH by Tyree for review. (Sun) 10/26/05-Sun-The monthly air sampling was performed on 9/27/05. On 10/24/05, the Department received an updated Investigation Plan to investigation the off-site contamination. Review of this plan is

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pending. On 10/24/05, the Department requested Tyree to investigate a deodorant/cleaning agent stored in the building and used by the building for cleaning and mopping the floor. This cleaner is suspected for sweet chemical odors reported by a resident (Dr. Small) in the Apartment Building. (Sun) 11/01/05-Sun: The monthly air sampling was performed on 10/31/05. On 11/1/05, the Department received an email from NYSDOH stating that BTEX compounds from 9/27/05 samples are again present but at levels lower than in previous round. The Department is still waiting to receive product inventories in the building and material safety data sheets (MSDS) for cherry deodorant and cleaner. The Department is now planning a meeting on 11/14/05 with Tyree, NYSDOH and Responsible Party s Attorney to discuss the current project status, assess indoor sampling results and determine if other remedial measures can be used to determine and mitigate the subsurface gasoline contamination. (Sun) 11/2/05-Sun: The Department called Dr. Small, a resident of 587

Kings Highway, explaining to him about the current status of site remedial actions taken by the Department, including monthly air sampling from the each level of the building, including one sample from his apartment performed on 10/31/05. The Department also informed him that a strong chemical odor was detected from a cherry cleaner/deodorant on the first floor under the stairway where the product was stored during a joint inspection by DEC, NYCDOH and Tyree. Tyree was asked several months ago to complete a inventory survey of products. The Department informed Dr. Small that a project meeting with Tyree, RP (Gene Kisselman), and NYSDOH is now planned for 11/14/05 to discuss the current project status, assess indoor sampling results and determine if other remedial measures can be used to determine and mitigate the subsurface gasoline contamination. (Sun) 11/14/05-Sun: The Department received the inventory survey on 11/03/05, Goundwater analytical results on 11/09, vacuum test results on 11/09/05 and MSDS of cherry cleaner/deodorant on 11/10/05. (Sun) 11/23/05-Sun: The Department received the following email from Shawn Healey of Tyree on 11/23/05: On November 20th, 2005 Tyree attempted to install two temporary vacuum monitoring points in two of the elevator shafts at 587 Kings Highway. Due to unsafe working conditions in the elevator shafts the points were not installed. Tyree did install one temporary monitoring point in the electrical room of the basement at 587 Kings Highway. The electrical room is approximately 15' away from the south west elevator. Tyree cored through 24 inches of concrete and installed one point 3 inches below the slab. Vacuum readings were also taken on all existing monitoring wells. Please view the attached map. Tyree will again attempt to install two vacuum monitoring points in the basement. The concrete slab is thinner in other parts of basement, which will allow the vacuum monitoring point to be installed further below the slab. NYS DEC and DOH will be notified prior to start of work. Work must be approved and scheduled with the owner of the basement. (Sun) 11/23/05-Sun: Sun sent an email to Shawn Healy of Tyree on 11/23/05 requesting that Tyree email to DEC and NYSDOH the results of indoor air samples collected on 10/31/05, including the samples taken from Dr. Small's apartment. (Sun) 12/01/05-Sun: Dr. Small called Joe Sun inquiring about the indoor air quality of his building. I informed him that per Tyree the analytical results of indoor air samples taken on 10/31/05 is currently held up by the Laboratory since Tyree has not paid to the Laboratory. Sun will call Tyree again to find out the status of the payment issue and will call back Dr. Small on 12/02/05. (Sun) 12/02/05-Sun: Sun received the following email from Shawn Healy of Tyree on 12/01/05: Tyree will again attempt to install two vacuum

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monitoring points on Sunday, December 18th, 2005. One monitoring point will be installed on the bottom of the elevator shaft in the east corner of the building. The other will be installed on the bottom of the elevator shaft in the southwest corner of the building. A representative from the owner of the building will be in the building while the work is conducted. As previously requested by the owner, the work must be completed on Sunday. Tyree will also collect vacuum readings from all of the existing monitoring wells on Sunday, December 18th, 2005. (Sun) 12/02/05-Sun: Sun sent the following email to Shawn Healy of Tyree on 12/02: DEC and DOH are still waiting to receive the analytical results of indoor air samples taken on 10/31/05. Dr. Small already called me twice in one week inquiring about the indoor air quality. You must email to DEC and DOH the results without further delay. (Sun) 12/02/05-Sun: Sun called Dr.

Small on 12/02/05 informing that based on 12/02/05 phone conversation between Sun of DEC and Paul Hatcher of Tyree that Tyree already cleared up the payment issue with their Laboratory and the Lab will release the analytical results of indoor air samples to Tyree today. Tyree will email the results to DEC and DOH today (12/02/05). (Sun) 12/12/05-Sun: Sun received the following email from Shawn of Tyree for his response to DOH's comments dated 12/07/05: 1) What/where are the two outdoor ambient samples, S-11 vs S-13? Please review the attached map. Two samples collected outside the building. Samples were collected to help determine if there is any influence from outdoor activities on the indoor air quality. 2) What does ambient-system (S-12) represent? Is it the post carbon effluent? Please review the attached map. No, this is not an Influent nor an Effluent system sample. This sample was collected outside the building immediately next to the system. An Influent system sample will be collected on the next sampling round. The next 8-hr air sampling event is scheduled for Wednesday, December 14th 2005. Samples to be collected on December 14th, 2005: 1) Influent System Sample 2) Ambient Sample - outside of building Basement Area/Dr's Office: 3) Waiting Area 4) Office 5) Room 3 6) Bathroom Residential Area: 7) First Floor Lobby 8) Second Floor Lobby 9) Third Floor Lobby 10) Fourth Floor Lobby 11) Fifth Floor Lobby 3) Do we have any samples representing the vapor contamination under the building? Yes, a soil gas sample was collected from under the slab of the building in the elevator shaft prior to system installation. Please review the attached lab data. 4) The basement level Room 3, bathroom and 2nd floor common area show an impact from what looks like gasoline (MTBE, hexane, xylene, 2, 2,4-tmp). I assume from the sub-surface source, but it is not clear why the other basement and condo areas are so different. Do the basement bathroom and room 3 have floor penetrations? Is there some preferential path from the basement area to the 2nd floor? The source of the impacts in Room 3 and Bathroom of the basement is unclear. It is necessary to review the next round of air samples to verify these impacts are not an anomaly. The 2nd floor lobby/common area indicated a decrease in petroleum related compounds after the system was installed. The latest round does indicate an increase of petroleum related compounds. Again, it is necessary to review the next round of air samples to verify for an anomaly. There are no apparent floor penetrations in Room 3 or the Bathroom. Please refer to the attached map for the exact sampling locations. 5) How will Dr. Small's data be provided to him? Do you need us (DOH) to send a letter with interpretation. Please refer to Joe Sun's email dated 12/7/05. 6) For any future air samples, please update the attached tables using the mcg/m3 data for the appropriate location. As requested, the tables will be updated after each sampling round.

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(Sun) 12/15/05: Sun received an email from Tyree the inventory report completed for the December 14, 2005 Air Samples. Tyree was not able to collect a sample in Dr Smalls apartment. He was not at home at the time, and Tyree was told by neighbors that he has gone to Florida. Also attached are photos relating to the inventory, pictures of the sampling locations in the basement, and an updated map of the basement. (Sun) 12/16/05: On 12/16/05, Sun sent an email to Shawn Healey of Tyree approving their Updated Subsurface Investigation Report dated November 2005. The contamination has been delineated to the extent possible. The Department requires a Remedial Action Plan be submitted by February 16, 2006 for review and approval. (Sun) 01/03/06: Sun received by email the analytical results for the soil samples collected in the secondary elevator shafts, These samples were collected while installing the vacuum monitoring points on 12/18/05. (Sun) 02/07/06: Sun received by email the analytical results for air samples collected on 01/19/06. A conference call is scheduled for 02/10/06 with NYSDOH and Tyree. (Sun) 02/09/06: Sun received a phone call from Joe Azizian (Phoner # 718-336-4604), a resident who lives on the 5th floor of 587 Kings Highway. Mr. Azizian said that he and his wife want to know if it was safe to live in the apartment before the blower was installed last year for venting the sub-slab contaminated soil vapor. I told him to call Mike Hughes of NYSDOH for any health related issues. (Sun) 02/10/06: A conference call was held on 02/10/06 between DEC (Koon Tang and Joe Sun) and NYSDOH (Gerry McDonald and Mike Hughes) and Tyree (Shawn Healey and Paul Hatcher) and Attorney for the Building Management (Alex Gurevich) to discuss the status of indoor air quality. Based on the analytical results of monthly indoor air samples taken from the last six months, it was agreed that the following course of action will be taken: 1) one more confirmatory round of routine sweep of air sampling to be taken in June 2006 and one final round of air sampling will be taken before the system is to be shut down when the contaminated media are fully cleaned up to the level that the spill can be closed, 2) In case that there is a complaint from the residents, Tyree will perform the air sampling only in this area where the odor is detected, 3) If the residents want to know the results of air samples, they can obtain this information from DEC through formal FOIL request, 4) NYSDOH will prepare a Factsheet for indoor air samples and will send it to DEC and Tyree for comments before releasing to the building residents, and 5) Tyree will prepare a separate document to supplement the RAP for the actions to be taken based on the agreement reached from this conference call. (Sun) 02/21/06: Sun sent an email to Shawn Healey of Tyree, reminding him that the Remedial Action Plan (RAP) which is due 2/16/06 is now overdue. He must submit the RAP immediately without further delay. (Sun) 03/14/06: Sun reviewed the January 2006 Site Status and Remedial Action Plan (RAP) submitted by Tyree on 02/27/06. The Department conceptually approves the plan to install an SVE/AS system to address the on-site source area soil contamination and high levels of dissolved BTEX compounds. The Department also approves a combination of ORC injections and monitored natural attenuation (MNA) for off-site remediation to address the downgradient portion of the groundwater plume. However, the results of the pilot tests and details of the system design must be submitted and approved by the Department before installation. As per Sun's conversation with Tyree dated 03/01/06, Tyree will complete the following tasks: 1. Complete the pilot tests by April 7, 2006. 2. Complete the system design by May 10, 2006. 3. Complete the equipment procurement by July 10, 2006. 4. Start the system by August 10, 2006. The Department requires that

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the above schedule must be fully complied without any delay. (Sun) 06/15/06-Sun: Tyree collected a confirmatory round of indoor air samples on June 1st. The samples will be collected in the same manner as the previous rounds. The Department requires that the system be ready for start-up by 8/31/06. (Sun) 09/01/06-The Department received a Remedial Action Plan (RAP) from Tyree on 08/25/06. (Sun) 09/15/06-Sun: On 09/14/06, the Department approves the proposed SVE/AS system with the following conditions: 1. Installation of four (4) New SVE Wells: Existing Monitoring Wells, MW-1, MW-5 and MW-7 are 2-inch wells and should continue to function as monitoring wells, not be used as SVE wells. Existing monitoring well MW-12 is a 4-inch well and, thus can be converted to a SVE wells. In addition to one proposed 4-inch SVE well (PSVE), three new 4-inch SVE wells should be installed adjacent to existing MW-1, -5 and -7. 2. Soil Vapor Extraction System (SVES) Data Sheet shall be completed and submitted to the Department by November 14, 2006 for review. The Blank SVES Sheets are attached here for your reference. 3. Installation of Effluent Vapor Treatment Unit: SVE/AS system schematic shown on Figure 7 does not show any treatment for the vapor discharge. An activated carbon unit to treat effluent vapors must be included in the design. Figure 7 should be revised and submitted to the Department for review and approval. 4. System Operation, Monitoring and Maintenance Plan (OMMP) including sampling of System Influent and Effluents: The OMMP shall describe and tabulate the operation, maintenance and monitoring schedule (Frequency) for system equipment and their performance, influent and effluent air emission, all monitoring wells and indoor air samples. As required in the Corrective Action Plan, the OMMP shall be prepared in accordance with DER-10 Technical Guidance for Site Investigation and Remediation drafted 12/25/02, available on the Department's website: www.dec.state.ny.us. 5. Monitoring of Indoor Air Samples: For confirmation of no vapor intrusion into the building, the Department requires that indoor air samples be collected weekly in the Lasik Building and adjacent building near MW-12 for the first month when the new SVE/AS system is operational to monitor potential petroleum vapor levels in the buildings. The analytical results of the indoor air samples must be submitted to the Department for review and approval. Collection of air samples can be changed to bi-weekly the second month and then monthly. Per Corrective Action Plan (RAP) attached to the Stipulation Agreement, within 45 days of the Department's approval of the RAP, Respondent shall implement the approved RAP. The RAP must be implemented no later than October 30, 2006. (Sun) 10/24/06-Sun: The Department provided comments to NYSDOH about the Fact Sheet for this site. Mike Hughes of NYSDOH informed the Department that he is moving this draft fact sheet internally for final release. (Sun) 11/13/06-Sun: Sun called Shawn Healey of Tyree informing him that implementation of SVE/As System has passed the due date of 10/30/06. The Department requires an immediate response on the status of the remediation action schedule. (Sun) 11/14/06-Sun: Per conversation between Joe Sun of DEC and Shawn Headley and Paul Hatcher of Tyree, Tyree will complete the installation of SVE/AS system by Mid December, 2006. (Sun) 11/29/06-Sun: Mike Hughes of NYSDOH sent to DEC a final version of the Factsheet for 587 Kings Highway. It has their internal approval. (Sun) 12/20/06-Sun: On 12/20/06, the Department approves the Revised Remedial Action Plan, submitted by Tyree, dated 12/06/06 based on significant reduction in concentrations in groundwater samples of the last two quarters. Tyree's Revised Remedial Action Plan includes the following: 1) Immediately move forward with the ORC injection plan outlined in the

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approved RAP with additional four injection points immediately north, upgradient of the building, 2) Connect wells MW-1 and MW-5 to the current SVE system operating onsite, 3) Sample all monitoring wells onsite on a monthly basis for six months and collect dissolved oxygen readings during all sampling rounds, 4) At the end of the six-month period, proceed with another injection or continue to sample on a monthly basis, and 5) If the injections and enhanced SVE system prove to be ineffective, Tyree will move forward with the AS/SVE system

installation and indoor air sampling as outlined in the approved RAP. The Department requires five days advanced notice of any remedial work at the site. The RAP must be implemented no later than February 5, 2007. (Sun) 01/15/07-Sun: Shawn Healey of Tyree informed DEC that the SVE upgrade by adding MW-1 and MW-5 to the current SVE system is complete. He will be in contact with DEC about the ORC injection schedule. (Sun) 01/17/07: In response to Mike Hughes' question about the Factsheet, Sun sent the following email to him: Mike, I had not sent the factsheet to the residents of the building for two reasons: one is due to significant reduction in concentrations in groundwater samples of the last two quarters, Tyree proposed to change the original SVE/AS system to a system by connecting to wells to the current SVE system operating onsite. The addition of the two wells will expand the area of influence of the current system. The greater influence will enhance the reduction of source concentrations in the soil under the building. Tyree will immediately move forward with the ORC injection plan with four additional injection points. If the injections and enhanced SVE system prove to be ineffective, Tyree will move forward with the original SVE/AS system installation and indoor air sampling as outline in the approved RAP. DEC approved the above revision on December 20, 2006. Since the factsheet under two headings What are the next steps and How can I be sure that the building indoor air is not affected in the future? , mentions that Tyree will be installing a combined SVE and AS system, a revised factsheet may be required to reflect the changes as described above. The second reason is that DEC has not received the contact list of the resident of the building from Tyree. Tyree mentioned that some residents were reluctant to give their names. But, I think we can get this around by mailing the factsheet to the Resident of their addresses. Shawn, Can you check if you sent the reports and air sampling results to Dr. Small? If you had not done so, please send him a copy ASAP. Thanks. (Sun) 01/18/07-Sun sent the following email to Mike Hughes of NYSDOH and Shawn Healey of Tyree: I checked our FOIL Department and our record shows that Dr. Small made a written FOIL request to DEC on July 12, 2005. About five (5) inch file was copied on CD and mailed to him on July 29, 2005. So, he had our report for this site. In addition to the above report, I will ask Shawn to send Dr. Small a summary of all the results from the building and a copy of the lab results from his apartment. Shawn, Please send Dr. Small a summary of all the results from the building and a copy of the lab results from his apartment ASAP. Please also send an email to Mike with an attachment of the revised remedial action plan. Mike, I will make the necessary edits of the factsheet so it accurately reflects the proposed remediation and email to you for comments. (Sun) 01/19/07: Sun received the following email from Shawn Healey: The information will be sent to Dr Small today via Fedex, for a Monday delivery. Dr Small called me yesterday, and asked about the construction going on outside the building last week. I explained that the existing system was being upgraded and that the work being done was included in our remediation plan. I also explained that the NYSDEC reviewed and approved the plan. He also

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asked if we are still collecting air samples inside the building. I explained that after review by NYSDOH and NYSDEC, the indoor air levels appeared to be within background levels and sampling had stopped for now. He seemed satisfied with the information I provided, and I told him to call with any questions. (Sun) 01/22/07: Shawn Healey of Tyree informed DEC that he had sent June 2006 Air sampling

Summary including the sample collected from Dr. Small's apartment to Dr. Small. (Sun) 01/23/07: ORC injection was performed by Tyree on 01/23/07 through 01/25/07. (Sun) 01/29/07: Sun received the following email from Mike Hughes of NYSDOH: Chris and I had a phone conference with Dr. Small on Friday to discuss the air sample results he received. Dr. Small had a number of questions, but his biggest concern was whether or not he or his neighbors are being exposed to chemicals in their homes. Without reiterating all of the details, we did our best to differentiate between petroleum (gasoline) versus non-petroleum, explained background levels and how his results compared, and the comparison to occupational standards (OSHA PEL). I ended emailing him a summary table of his results with background comparison and a link to our background study. Chris offered to send Dr. Small a letter that provides a risk assessment based upon the values detected in the building. In the end, Dr. Small's issues are: he reports that he still can smell vapors that he believes are organic in nature how we can be sure that he and his neighbors are not being exposed he is the building residents spokesperson/representative and needs to advocate for their best interests how this will affect their property value and what will be done about the certificate of occupancy issue from NYC I don't recall if there was any plan to collect additional indoor air samples, but both Chris and I believe that another set of air samples may be beneficial, particularly to address any continued odors and verify that the system(s) are working effectively. I suspect that the intermittent odors Dr. Small reports are from the Lasik Eye office in the basement. Shawn/Joe can you discuss with the building owner about collecting additional samples. I don't think all of the samples collected in the basement are necessary, but samples from the common areas of the residential floors, Dr. Small's apartment, outdoor, SVE effluent and elevator shaft, if possible, should be collected. (Sun) 01/30/07: Shawn Healey of Tyree informed DEC that they will receive the summa canisters on Friday (2/2/07). They can do the indoor air sampling on Monday (2/5/07). He suggests possibly having a representative from at least one of the agencies involved to witness the sampling. (Sun) 2/2/07: Shawn Healey of Tyree informed DEC that he did speak with Dr. Small this morning. Dr. Small will be available on Monday so they can set up the summa canister in his apartment. (Sun) 2/5/07: Indoor air samples were taken on 02/05/07 by Tyree. (Sun) 02/09/07: Shawn Healey of Tyree informed DEC that they are installing a new blower at 587 Kings Highway next week. The system is currently running, but we wanted to upgrade. Attached are the specs for the new blower. (Sun) 02/15/07: Shawn Healey sent the following email to Joe Sun: Joe, NYCDEP would like a meeting onsite to review the project's history. Would you be available for a meeting onsite on March 2nd at 10AM. We submitted a request for a No Objection from the NYCDEP letter to receive the permanent CO. It appears that NYCDEP may need assurances from the NYSDEC and NYSDOH that the contamination is monitored correctly. (Sun) 03/07/07: The on-site meeting between DEC, Tyree and NYCDEP is scheduled for March 12, 2007. (Sun) 03/19/07: A meeting was held on-site on 3/12/07 involving DER staff (Joe Sun and Vadim Brevdo), NYCDEP representatives (Daniel Cole) and Tyree (Shawn Healey and Paul Hatcher) to review the project's history. The meeting

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concluded that NYCDEP staff will need to consult with their attorney if a Restriction Declaration (equivalent of a deed restriction) should be signed between NYCDEP and apartment owners since this is a E-designated site which requires a comprehensive review by NYCDEP

before a Notice of No Objection letter can be issued from NYCDEP to NYCDOH. (Sun) 03/27/07-Sun: A conference call was held on 03/27/07 involving NYSDOH (Mike Hughes), NYSDEC (Joe Sun and Vadim Brevdo) and Tyree (Shawn Healey and Paul Hatcher) to discuss the project status, including the Factsheet drafted by NYSDOH. After incorporating all the comments from NYSDEC and Tyree, a final version of Factsheet was issued by NYSDOH on 03/27/07 and will be distributed to the building residents. (Sun) 03/27/07-Sun: A Risk Assessment letter was prepared by NYCDOH (Christopher D'Andrea) to Dr. Small, a resident in the building. The letter is an evaluation of the possible health issues associated with vapors from spill. The letter was reviewed by NYSDOH and NYSDEC. The letter will be sent to Dr. Small by 03/28/07. (Sun) 04/27/07-Sun: Sun received the following email from Mike Hughes of NYSDOH: Gentlemen, Mr. Ilya Minkin, the President of the apartment owner's association for 587 Kings Highway, contacted me asking for assistance to address his and the resident's concerns about the continued operation of the existing remedial system. Apparently the operation of the system has created a very large financial burden on the resident's as there is not a separate meter for its operation. Mr. Minkin contends that reimbursements for electrical costs are very lax from the developer. Secondly, the residents have not been provided with a CO, which they believe is because of the on-going remedial efforts. How long is the treatment system expected to operate? and Do any of you know who at Dept. of Buildings or DEP can be contacted by Mr. Minkin to address his concerns about getting CO's for the building? (Sun) 04/30/07-Sun: Sun sent the following email to M.Hughes (NYSDOH), Shawn Headly (Tyree) and Alex Gurevich, Esq. (Attorney for the Developer, Gene Kiselman), Mike, As Shawn already indicated in his email last Friday that the most recent influent system samples still indicate high levels of VOCs. DEC requires that the treatment system will continue to operate until the influent levels of VOCs consistently meet NYS state criteria for soil vapor or reach to a point where the collection of VOCs approaches to an asymptotic level. If the collection of VOCs reaches an asymptotic level which turns out to be too high to be acceptable for termination of the system operation, some additional measures may be required to keep the VOCs from entering indoor air. The treatment system can not be shutdown until it is reviewed and approved by DEC and DOH in writing. Shawn, From my conversation today with you, it is my understanding that the power to run the treatment system is drawn from the source for common areas such as hallway, stairway and elevators. I think the better way to separate the power consumption for the treatment system from these common areas is to have a dedicated meter to record the power consumption for the treatment system. This way, the residents know how much they can get reimbursement for electrical costs from the Responsible Party (Mr. Gene Kiselman). But, you also mentioned that there may be an agreement between the apartment owner's association (board) and Mr. Kiselman for the reimbursement for electrical costs. Please note that the reimbursement for electrical costs should be prompt. Mr. Gurevich, As you can see from Mike Hughes's email below, the apartment owner's association had a complaint that reimbursements for electrical costs are very lax from the developer. Would you bring this to Mr. Kiselman's attention and address this issue. We believe that it is the site developer who is responsible for the electrical

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costs of operating the system, unless there is some specific agreement which makes residents responsible for costs. (Sun)

08/30/07-Sun: On 08/30/07, Sun sent the following email to Shawn Healey of Tyree, Shawn, As I indicated in our conversation today that based on the Groundwater Monitoring Reports, dated 2/28/07, 4/13/07, 6/28/07 and 8/9/07 since ORC Injection was performed on January 22, 2007, the BTEX concentrations in well W-1, W-5 W-7, W-9 and W-12 have increased significantly. This shows that the ORC injection is ineffective. DEC is now requesting that Tyree submit other alternative remedial action plan by September 13, 2007 for DEC's review. As a reminder, please submit all the reports in hard copy as well as CD in pdf form. I had not received CDs for the last four Quarterly Groundwater Reports. You can email me with attachments in pdf for the last four GW monitoring reports. (Sun) 10/17/07-Sun: In response to DEC's letter dated 8/30/07 requesting an alternative RAP, My. Robert Ott of Tyree submitted a Chemical Oxidation Work Plan on 10/17/07. (Sun) 10/22/07-Sun sent DEC's comments on Tyree's Chemical Oxidation Work Plan on 10/22/07. (Sun) 10/25/07- DEC received an email from Robert Ott of Tyree, informing DEC that floating products were detected in MW-1 and MW-2 today during their routine monitoring and bailing at the site. Tyree will dispatch a VAC truck to the site tomorrow (10/26/07). (Sun) 10/26/07-Sun: Sun conducted a site visit to observe the circumstances in the field and met with Robert Ott of Tyree and his technicians. Tyree used vac truck to pump out the floating products in MW-1 and MW-2. Per Robert Ott, Tyree already took some floating product samples yesterday from MW-1 and MW-2 for product analyses and identification. Sun told Mr. Ott that Tyree should conduct product recovery events on a weekly schedule until a permanent remedial solution is implemented. (Sun) 10/29/07-Sun: On 10/26/07, DEC approved Tyree's chemical oxidation work plan dated 10/17/07 with the following condions: 1)The permanent monitoring wells should be developed and sampled to determine baseline groundwater quality conditions prior to implementing the Chem-Ox injections; 2)If follow-up groundwater monitoring indicates that the Chem-Ox and ORCA are not effectively reducing contaminant concentrations, an alternative remedial approach must be developed. (Sun) 10/29/07-Sun: Sun informed Mike Hughes of NYSDOH about DEC's approval of chemical oxidation work plan prepared by Tyree, dated 10/17/07 and floating products found in well MW-1 and MW-2 during Tyree's routing monitoring and bailing event on 10/24/07. Sun also asked Mike Hughes's opinion on indoor air sampling. (sun) 11/5/07-Sun: Robert Ott of Tyree informed Joe Sun of DEC by email that Tyree will be performing baseline soil sampling at the Lasik Center Site, along the north side of Kings Highway. Driller will be performing this work on November 6, 2007, beginning at 8:00 am. Attached is map depicting locations and depth etc (see eDOC). Sun replied that Tyree can procedd the above work. (Sun) 03/10/08-Sun: Sun received the quarterly monitoring report dated February 2008. The report shows that MW-1 had 0.38 feet of free product. Total BTEX ranged from Non-detected to 5,151 ppb and MTBE ranged from Non detected to 1.84 ppb. (Sun) 05/20/08-Sun: Sun sent the following email tp Robert Ott of Tyree: Hi Robert, According your last quarterly monitoring report dated February 2008, Tyree took baseline soil boring samples on 11/27/2007. Chemical Injection was completed on 1/30/2008. Based on the approved Chemical Oxidation Work Plan, Tyree is required to submit the quarterly report for field data (pH, DO, ORP, Temperature & conductivity), Contaminants of Concern(COC) per EPA 8260 and Dissolved Iron. Please let me know when the next quarterly monitoring report can be submitted to DEC for review. Your

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immediate response is urgently requested. (Sun) 05/20/08-Sun: Sun called Robert Ott of Tyree about the status of the project and he informed Joe Sun that Tyree has not been authorized by the RP's Attorney (Mr. Alex Gurevich) to perform any future work for the subject site. (Sun) 05/22/08-Sun: Sun received a call from Robert Ott of Tyree, informing DEC the following: 1. Tyree sampled the groundwater on March 4, 2008. 2. Tyree sampled the influent and effluent of air samples from SVE system on February 7, 2008. The SVE system is still operating on-site and a spare carbon unit is ready on-site for replacement if they need to replace the spent one. Sun asked him to send the electronic copy of the last report, dated February 2008 to DEC. He stated that they are not authorized to do any work for this site. (Sun) 06/23/08-Sun: Sun sent a Notice of Violation of Stipulation Agreement to the Respondent (Gene Kisselman). The letter indicates that Quarterly monitoring reports were submitted by the Respondent as required under the Stipulation through January 2008 (although no air sampling data has been provided for January 2008). As of today, the Respondents have failed to submit subsequent monthly influent/effluent air sampling data and the required monthly and quarterly reports. In addition, pursuant to the approved Chemical Oxidation Work Plan for groundwater treatment, the Respondent is required to monitor groundwater for contaminants of concern on a quarterly basis and submit quarterly reports for review. Since January 2008, the Respondent has failed to submit quarterly groundwater monitoring reports. The Department requires that the Respondent submit all required reports by July 1, 2008, or he will be held in violation of the Stipulation. (Sun) 06/23/08-Sun: Sun sent a Notice of Violation to the Respondent (Gene Kisselman) for failure to comply with the Stipulation Agreement. Quarterly monitoring reports were submitted by the Respondent as required under the Stipulation through January 2008 (although no air sampling data has been provided for January 2008). As of today, the Respondents have failed to submit subsequent monthly influent/effluent air sampling data and the required monthly and quarterly reports. In addition, pursuant to the approved Chemical Oxidation Work Plan for groundwater treatment, the Respondent is required to monitor groundwater for contaminants of concern on a quarterly basis and submit quarterly reports for review. Since January 2008, the Respondent has failed to submit quarterly groundwater monitoring reports. The Department requires that the Respondent submit all required reports by July 1, 2008, or he will be held in violation of the Stipulation. The deadline has been extended to July 15, 2008 by DEC 's Legal Council John Urda to Seth Friedlan. (Sun) 8/7/08 - Obligado - This spill has been transferred from Sun to Obligado as per directive from Brevdo. I called Chris Tomasello ASR who is new consultant for RP. They did effluent sampling in July and he will submit a report. 1/12/09 - Obligado - Sent letter to Mr. Kisselman requiring submission of missing O&M data, workplan for additional delineation, replacement of MW5 (dry), submission of hydrographs, survey and contour map, a new Remedial Action Work Plan as (the chem ox work plan was apparently discontinued when Kisselman hired new consultant). 2/17/09 - Obligado - Meeting with ASR, Kisselman, and DEC. They will submit a workplan to do additional delineation. They will also restart the vent system which is not functional 3/4/09- Obligado - ASR submitted an extension request for 90 days for submission of the workplan based on current economic times. Sent email denying the request. 4/1/09 - Obligado - Email from Tomasello, the vent system has been repaired. According to Chris, they will submit a workplan. 6/2/09 - Obligado - Met Rich Levato on-site to look at potential well locations. MW5 was only 18

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ft (gw at 19 ft), so this well must be reinstalled. There are two potential locations at north adjacent apartment building, and one potential downgradient location southwest of MW9. Rich will submit a workplan. Based on system effluent data, I asked Rich to sample all wells for PERC. 2 additional wells were found on-site. Rich will gauge and sample those as well. The SVE system was turned off. A rotron fan was installed instead to operate as a mitigation system and was operational. 8/18/09 - Obligado - Sent workplan disapproval letter with comments (in edocs). Required resubmittal within 30 days. 8/20/09 - Obligado - Delivery confirmation. 12/2/09 - Obligado - Revised Work Plan was not received. I sent a Notice of Violation letter to Mr. Kisselman requiring him to submit the revised work plan within 30 days or the case would be referred to Legal. 3/4/10 - Obligado - I called Mr. Kisselman to inquire about the overdue workplan and quarterly reports. I left a message to call back the DEC. 5/20/2010 - Obligado - Referred to Legal for enforcement 6/7/10 - Obligado - I called Mr. Kisselman again at the number he provided at our 2/17/09 meeting 718-449-8300 and left a message to call back the DEC. 3/26/13 - Obligado - I discussed this open case with Legal. Legal requested I draft another case initiation form. 4/5/13 - Obligado - I drafted another case initiation form. 3/18/14 - Obligado - I spoke with Mr. Jack Hulla 914-438-9567, who is the owner of the Dr. Office. We discussed the site issues. According to Jack, they have not experience any complaints of gasoline odors. I asked him for the contact info for the Property Management. The contact is Jeff Winters, of Brooklyn Property Management 718-499-4838. I called MR. Winters and left a message to call DEC.. 4/2/14 - Obligado - I sent a letter to Kisselman notifying him that the Department intends to start a state funded cleanup if he didn't respond with a workplan within 30 days. Letter sent to last known addresses via certified mail receipt #7005 2570 0001 3265 8942 and #7005 2570 0001 3265 8959 I also called and spoke with Jeff Winters. I told him DEC intends to do state spill fund clean up since developer has not cooperated. I sent a letter to Mr. Jeff Winters at Brooklyn Management Company which represents the Condominium, notifying him that the DEC intended to complete the cleanup using the spill fund and requesting that he sign and return an access letter. 5/6/14 - Obligado - According to USPS website 7005 2570 0001 3265 8942 was delivered at 12:25 pm on April 4, 2014 in NEW YORK, NY 10017. According to USPS website 7005 2570 0001 3265 8959 was forwarded and is still in transit. 5/9/14 - Obligado - I spoke with Jeff Winters. He will send me the signed property access form. 5/12/14 - Obligado - Property access received signed by Mr. Winters. 5/13/14 - Obligado - Delivery to Kings Highway DOS service address has been returned undelivered. Based on prior discussion with Randall Austin and Jeffrey Vought, initiated PIN callout. I also called Mr. Dave Lorthioir to schedule a site visit. Left message to call the DEC. 5/13/14 - Obligado - I called Mr. Kisselman's office at 718-449-8300, and spoke with the secretary. She said Mr. Kisselman is not in. She asked what this was regarding, and I said 587 Kings Highway Condominium. She said that is not one of his buildings, and I said it was one of his buildings. I left my number to call back the DEC. I asked for the office address: 4102 13th Avenue, Brooklyn, NY 11219. From Google, at this address is: Kisselman Dialysis 4102 13th Avenue Brooklyn, NY 11219 4102 13th Avenue, Brooklyn, NY 11219 Phone: (718) 517-2222 - Fax: (718) 435-0354 5/14/14 - Obligado - After discussion with DEC Vought who recommended holding off on start of work until give additional notification to RP I sent a letter to Kisselman at 4102 13th Ave, Brooklyn notifying that the DEC intends to start a state funded

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cleanup if a workplan is not submitted. 6/10/14 - Delivery confirmation receipt received. The letter was delivered to Mr. Gene Kiselman, 250 E. 49th St NY, NY 10005 on April 4 2014, receipt signed by Les Milic. 6/18/14 - Obligado - I received the letter sent to Kiselman Dialysis address unclaimed. I resent the letter in new envelope via regular mail. 8/25/14 - Obligado - Again, no response from Kiselman. I spoke with EnviroTrac and Jack Hulla to schedule site meeting for start of DEC cleanup project. 8/28/14 - Obligado - I met Dave Lorthior at the site to discuss upcoming work. He will do a full round of groundwater sampling and collect a vapor sample from the SSDS effluent. We discussed the upcoming work with Dr. Bly and Jack Hulla, the office manager. Monitoring wells still present in the sidewalk. MW1 was popped open. A dedicated bailer was hanging from the well casing. Dave bailed the well. No product was present. Petroleum odor noted in the groundwater. We inspected the system area. The Rotron type blower was humming and appeared to operational. We walked the basement office building. Jack Hulla showed us the former Sub slab vapor points which have been plugged over. The points may still be accessible if necessary in the future. 9/4/14 - Obligado - Email from Dave Lortior - Envirotrac will conduct the following work: 1. Install a test port on the ventilation system and utilize a SUMA canister to obtain an effluent sample. Sample will be submitted to DEC lab and analyzed as per Method TO15. The lab will be requested to add TCE, PCE and other chlorinated solvents to the analyte list. 2. Gauge, purge and sample all monitoring wells. Purge water will be removed the same day as generated. Samples will be submitted to DEC lab. I confirmed via email that the scope of work was acceptable. 10/8/14 - Obligado - I discussed the scope of work further with Dave. Email from Dave, work scheduled for 10/21 and 10/22. 10/9/14 - Obligado - Call Out ID 122628 approved for Test America Lab analysis. Call Out ID 122627 approved for Envirotrac for vapor sampling, disposal of SVE system spent carbon, well development and Groundwater sampling, disposal of purge water, report preparation. 2/4/15 - Obligado - Investigation Received from Envirotrac received. 3/10/15 - Obligado - Completed DEC Review of the report. Forwarded the Investigation Report to NYSDOH Michael Hughes for guidance due to detection of 55 ug/L Perc, 30 ug/L ethanol, and 1900 ug/L TBA in vapor from the SSDS effluent and Envirotrac recommendation for VI investigation. 3/11/15 - Obligado - According to DOH Michael Hughes agrees with recommendation for VI investigation. 3/12/15 - Obligado - Called Jack Hulla 917-804-7088, the Doctor's office administrator to discuss report findings and schedule coming work. Left message to call back the DEC. I called Jeff Winters of Property Management to discuss the report and schedule upcoming work. Left message to call back DEC. I spoke with Jack. He would provide access for Envirotrac do the sampling. 6/22/15 - Obligado - I received the report documenting the SVI investigation at 587 Kings Highway. The report found 32 ug/m3 PCE in basement air at sample BA-3. SS sample BA-3 had a hit of 420 ug/m3. Ethanol concentrations were high as well, up to 22000 ug/m3. The report recommends additional investigation of solvents and if NYSDOH concurs, mitigation. I emailed the report to Michael Hughes and Nathan Waltz at DOH. 6/29/15 - Obligado - Conference call with NYSDOH and NYCDOH. NYSDOH thinks that the ethanol concentrations are not concerning and likely due to medical chemicals in the building. The PCE data is indicative of SVI occurring in the western portion of the building, likely from an off-site source. They will draft a letter to the property owner recommending that the mitigation system continue to operate. They also will plan to collect an indoor air sample to

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see if the mitigation system is effective. 7/24/15 - Obligado - I was cc'd a letter from NYSDOH to the property management company and to Lasik. According to the letter In summary, the March 20, 2015 sampling results indicate that the sub-slab soil vapor and indoor air levels of petroleum related compounds are similar to background. However, an additional compound, PCE, was found in sub-slab vapor samples and in indoor air at levels higher than expected, and we believe that actions are necessary to address exposure concerns related to soil vapor intrusion. Therefore, we are recommending that the SSDS remain operating to minimize exposure to PCE. We would also like to collect additional indoor air samples to ensure that the SSDS is adequately mitigating exposure via the soil vapor intrusion pathway when operating. 9/1/15 - Obligado - I sent an email to NYSDOH inquiring if they NYSDOH or NYCDOH planned to proceed with the indoor air sampling. 9/2/15 - Obligado - I received a response from Nate that they are still planning on doing the sampling, but they have not gotten it lined up yet. 9/30/15 - Obligado - I sent another email to Nathan inquiring if they had any updates with regard to the proposed air sampling. 12/30/15 - Obligado - I received a confirmation email from Nathan Waltz that All the results were below the air guideline value of 30 ug/m3, they were all 10 ug/m3; looks like the SSDS is operating effectively in mitigating exposure. Due to the fact that there is no longer petroleum VOCs impacting the 587 Kings Highway Building, and the SSDS system is operating and appears to be mitigating PCE vapors, and based on the most recent gauging and sampling event, there was no LNAPL present in wells and the petroleum VOC plume beneath the site appears to be attenuating as a result of removal of source via soil vapor extraction, chemical oxidation injection groundwater treatment, and natural biodegradation. This spill no longer appears to be a threat to human health or the environment and the spill is closed. 3-9-16 - Obligado - I received an inquiry from Jeff Winters regarding the need to operate the SSDS. I forwarded him the letter previously sent by Nathan Waltz at DOH which recommended that the building continue to operate the SSDS. I advised him to contact Nathan Waltz at DOH regarding any questions about indoor air concerns."

Remarks: "while removing underground storage tank, soil contamination was discovered. clean up pending."

All TTF:

Facility ID:	9901118
Spill Number:	9901118
Spill Tank Test:	2505068
Site ID:	324463
Tank Number:	0
Tank Size:	4000
Material:	2712
EPA UST:	True
UST:	True
Cause:	99
Source:	99
Test Method:	-
Test Method 2:	Not reported
Leak Rate:	Not reported
Gross Fail:	Not reported
Modified By:	RJWHITCH
Last Modified Date:	Not reported

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Site ID: 324463
Operable Unit ID: 1079882
Operable Unit: 01
Material ID: 304659
Material Code: 0009
Material Name: gasoline
Case No.: Not reported
Material FA: Petroleum
Quantity: .00
Units: G
Recovered: .00
Oxygenate: Not reported

Name: 587 DEVELOPMENT INC
Address: 587 KINGS HIGHWAY
City,State,Zip: BROOKLYN, NY
Spill Number/Closed Date: 9901118 / 2015-12-30
Facility ID: 9901118
Facility Type: ER
DER Facility ID: 261350
Site ID: 324463
DEC Region: 2
Spill Cause: Unknown
Spill Class: B3
SWIS: 2401
Spill Date: 1999-04-29
Investigator: AAOBLIGA
Referred To: REFERRED TO LEGAL
Reported to Dept: 1999-04-29
CID: 384
Water Affected: Not reported
Spill Source: Institutional, Educational, Gov., Other
Spill Notifier: Local Agency
Cleanup Ceased: 2004-04-20
Cleanup Meets Std: False
Last Inspection: Not reported
Recommended Penalty: False
UST Trust: True
Remediation Phase: 0
Date Entered In Computer: 1999-04-29
Spill Record Last Update: 2016-03-10
Spiller Name: GENE KISELMAN
Spiller Company: OCEAN PARKWAY DEVELOPMENT, LLC
Spiller Address: 3171 CONEY ISLAND AVE
Spiller Company: 999
Contact Name: JOHN PIZZUTO
DEC Memo:

"Prior to Sept, 2004 data translation this spill Lead_DEC Field was VOUGHT 12/5/03 Reassigned from O'Dowd to Vought.
12/5/2003-Vought-Spoke with Russel Furia (Zytel PC 631-544-0092 cell 516-319-7094) and ten-story building is built above site. Zytel stated that Gene Kiselman (see spill #9610335 at 6501 Bay Parkway) is developer. Site developer is 587 Development Inc, 134 85th Street Brooklyn NY 11209 fax 718-836-8858. Zytel will perform Phase II and will call back by Wed (12/10) with plans. 12/10/2003-Vought-Spill transferred from O'Dowd to Vought. Vought sent letter to owners requiring: 1) submission of UST closure data including endpoint analyticals, site plan, disposal manifests and groundwater sample 2) Current status of site. Vought sent letter to site owner (according

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to NYC Tax Assessor owner is LMB Holdings, LLC. 587 Kings Highway Apt 1, Brooklyn, NY 11223-2019). Vought called John Pizzuto (on PBS registration) and he is no longer the owner of the property and he also stated that a ten story residence was occupied and built by the new owners. Vought sent certified letter with above requirements, Stipulation Agreement and clause of NYC and NYS Department of Health notification to 587 Kings Highway Development Inc and an uncertified copy to Michael Levin 187 Avenue U, Brooklyn, NY 11223 listed via the NYS Division of Corporations Entity Info. Both letters have a due date of 1/5/04. 12/29/2003-Vought-Received message from Bob Brill (718-627-0303x227) regarding site. 12/30/2003-Vought-Returned call to Bob Brill and left message to return call to DEC. Vought received call from Brill who is one of eight condominium owners. Building has eight tenants and a medical practice is housed in first floor and basement. Mr. Brill is not aware of any odor complaints. Management contact is Hadassah Rothenberg MalkaFaye Management 344 7th Avenue, Brooklyn, NY 11215 (718)788-8420x19 Fax 718-788-7170. Vought faxed Haddasah copy of STIP agreement. 1/6/03-Vought-No response received from Stipulation Agreement sent via certified mail 12/10/03 with due date of 1/5/04. STIP returned as unclaimed. Case referred to DEC Legal Rubinton for enforcement. 1/6/04-Vought-Spoke to Dr. Leonard Bley (718-627-0303) who is a tenant of building and resident of Apt #1 and has no affiliation with building owner and he said no vapor issues. 1/16/04-Vought-Received message from Hadassah Rothenberg. 1/27/04-Vought-Returned call to Hadasah and left message to return call to DEC. 2/26/04-Vought-Corrective Action Plan dated 2/12/04 dropped of at DEC offices by Russel Furia. Review by Vought: CAP prepared by Zytel PC 265 Indian Head Road Kings Park, NY 11754 (631) 544-0092 Site was formerly utilized as a gasoline retail establishment and automobile service repair shop. Two (4000-gallon) gasoline USTs and one (550-gallon) waste oil UST were removed, site leveled and replaced by a modern 5-story apartment building with medical offices on the ground floors and eight apartments above. Phase II Site Assessment performed in March 2000 consisting of twelve soil borings to 12' in depth and collecting two soil samples from each. Soil analyticals show no TAGM 4046 Cleanup Objectives but samples not analyzed for MTBE. CAP proposes installation of two monitoring wells, soil borings in the basement of the building, geophysics and/or geophysical type data, well sampling and analysis, environmental sampling (air quality), QAQC protocols, health and safety, phase II report, qualitative health exposure assessment. Groundwater at a depth of 30'. Phase I report included in appendix states groundwater monitoring wells have been observed and the adjacent/surrounding properties consist of commercial building abutting the property from the west, a large six story high residential building abutting the property from the north. From the east and south the property is surrounded by Kings Highway and Ocean Parkway service road. Across from the property over Kings Highway roadway is another six story residential building. NYSDEC will require the following upon signing of Stipulation: 1)MTBE analysis on all future soil and groundwater samples NYSDEC 2)approval of CAP plan for installation of two wells, basement borings, geophysics and geophysical type data, well sampling and analysis, environmental sampling(air quality sampling), QAQC protocols, health and safety, phase II report, qualitative health exposure assessment 4)former tank, dispenser, fill port, current building locations placed on current site plan 5)surrounding area site plan 6)additional installation of one monitoring well to determine groundwater flow. 2/27/04-Vought-Pre hearing conference with DEC legal Rubinton.

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Meeting resulted in Vought issuing another STIP and sending it to below address as per Russel Furia. STIP to include clause regarding updating owner info and mailing info of PBS registration as per DEC Rubinton. Mr. Gene Kiselman Ocean Parkway Development 216 E49th Street New York, NY 10017 Vought sent STIP with requirements of 1)submission of tank closure report and if one not available corrective action plan including the complete delineation of soil and groundwater contamination on 2/27/04. Stip due back to DEC by 3/19/04. 4/9/04-Vought-Stip not received as of yet. Called Russell Furia for STIP status and if DEC has not received signed STIP by 4/16/04 it will be referred back to DEC legal. 4/20/04-Vought-Stipulation received and implemented by DEC Kunkel. Vought called Furia to repeat requirements as per CAP. Vought faxed Furia copy of Stip and CAP and mailed copy of STIP to Ocean Parkway Development. 5/13/04-Vought-Called and left message with Furia requesting site status and no answer at office or cell number with no answering service. 6/10/04-Vought-Called zytel PC to remind them on 6/20/04 CAP submittal deadline date and left message regarding same. 6/14/04-Vought-Received message from Furia (516-319-7094). Vought returned call and he has not received payment as of yet and he will contact owners. 6/22/04-Vought-Received Phase II Subsurface Investigative Report/Corrective Action Plan from Zytel PC. 8/2/04-Vought-Spoke with Alex Gurivich and certificant of occupancy has expired. Alex requested review of investigation plan and letter be sent regarding approval of Temporary certificant of occupancy. 8/12/04-Vought-Reviewed Phase II received on 6/22/04. Phase II referred to Phase I dated 3/7/00 included in Appendix E from CAP dated 2/12/04. Three USTs were removed from the site in 4/99. Twelve test holes were drilled to a depth of 12 feet each and two samples were collected from each (0-6 feet and 6-12 feet) . Report concluded NFA is deemed necessary . Soil analyticals show no TAGM 4046 Required Soil Cleanup Objectives. Review of Phase II shows that two (4000-gallon) gasoline USTs and one (550-gallon) waste oil were removed from site. At present there exists a modern 5-story apartment building constructed of brick masonry . The ground floor of the building and the basement of the building has medical offices. There are apartments on floors 2 through 5 . Three wells were installed onsite, five test holes with soil gas samples were collected in the basement and seven ambient air samples were collected. Following the Limited Phase II Environmental Audit the site underwent an extensive excavation... This excavation removed soil down to approximately 3 feet above the zone of saturation. Consequently soil sampling was not necessary since the insitu soil had already been removed . Groundwater present at 24 feet below grade. Groundwater analyticals show 1310ppb benzene(MW1), 1680ppb toluene(MW1), 882ppb ethylbenzene(MW1), 1860ppb xylene(MW1), 204ppb TCE(MW1), 19.7ppb 1,3,5-trimethylbenzene(MW2) and 15.7ppb napthalene(MW2). Soil gas samples taken under foundation show up to 59ppb benzene, 360ppb toluene, 330ppb ethylbenzene and 12ppb MTBE. Air quality was within acceptable limits from samples taken above cement flooring. Air analyticals showed minor detections of toluene and xylene. Report recommends the installation of five additional monitoring wells, implementation of a passive intrinsic bioremediation system and monthly indoor air sampling. 8/14/04-Vought-Sent letter requiring 1)complete delineation of soil and groundwater contamination as per CAP 2)submission of surrounding area property sketch 3)monthly indoor air sampling as per NYSDOH guidance (copy sent with letter) 4)installation and operation of remediation system addressing all contaminated media. Request for letter regarding temporary

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certificate of occupancy denied due to high soil gas concentrations underlying foundation and failure to adhere to CAP. Letter will be considered upon the completion and operation of a remediation system. 11/2/04-Vought-Received message from Bob Brill that odors entering building. Vought called Brill and spoke to receptionist who also complained of odors. Site visit by Vought. Odors reported at Lasik Eye Surgery Center in basement floor (Bob Brill 718-627-0303). No odors on first floor of building. Odor immediately detected upon entering reception area. PID reading of 5ppm in breathing space. One open hole through basement concrete slab as part of possible previous attempt at soil borings (four locations had been circular saw cut through finished wood floor however only one location had penetration through concrete slab). This one location located behind receptionist desk and had PID reading of 643ppm. As per Dr. Brill borings were performed around June by Russel Furia and odors were first detected in June and has been sporadically worse and better. Vought immediately called consultant (Furia) and required immediate sealing of floor. Furia stated that he was no longer consultant because owner Kisman (845-270-3467 cell 3473862870) had not paid bill but he would call Kisman. Vought asked for Kismans phone but was given that of Alex Gurrivich (attorney for owner 718-449-8300). Vought called Gurrivich who said he would immediately contact Kisman. Vought notified NYCDOH Ray Nieves by leaving phone message. Vought also notified ECO's and requested an immediate officer. Vought spoke to Gurrivich who stated Kisman was on way to site with contractors to fill holes. Kisman arrived onsite and as per Kisman a vapor barrier was installed under building. Contactor arrived onsite and Vought witnessed sealing of holes and took PID readings after ventilation turned on full for approx 30 minutes. PID readings of 2ppm found. ECO Read arrived onsite who also performed a site visit and wrote an administrative ticket for unwholesome odors and delivered ticket to offices of Gurrivich. 11/4/04-DEC 1)called Ray Nieves (called and sent email of site visit notes from above) to see if site visit was performed and notify him of lack of Certificate of Occupancy 2)wrote and sent certified letter to Kisman with previous requirements of 8/14/04 letter to be completed by December 5, 2004 3)called Lasik to see if odors still present and Vought spoke to Dr. Brill and odors are no longer present. Brill has not received contact from NYCDOH as of yet. Brill requested copy of FOIL and Vought faxed him application 4)spoke to DEC Oliva re Kismans request for meeting at DEC and Oliva approved meeting and also approved of 11/4/04 letter 5)called Kisman re meeting and he agreed to have Gurevich call Oliva to schedule meeting. 11/5/04-Vought-Email from Paul Hatcher (Tyree). Tyree was contacted by Alex Gurevich and Gene Kisman to act as their environmental consultant. Tyree has reviewed the reports and correspondence. Tyree requesting if Department has reviewed the Investigation and Subsurface Investigation Plan dated Feb 2004 and June 2004. Please let me know if you had chance to look at and approve these reports . Received a second email from Tyree that it does not appear that any of the work outlined in the CAP has been completed and ...we will need to start from the beginning and provide soil disposal documentation and an Investigation Plan for existing contamination . We will be conducting and initial site investigation in the near future . 11/8/04-Vought-Rommel sent 11/4/04 requirements. 11/8/04-Rommel received email that Tyree is handling both 587 Kings Highway and 6501 Bay Parkway (see spill 9610335). 11/18/04-Vought-Sent copy of 8/14/04 letter to Hatcher. Vought spoke to Hatcher and indoor air sampling will be implemented, wells were sampled on 11/15/04. Once results are

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received a well installation proposal will be submitted.
11/30/04-Vought-Meeting with DEC Oliva, Rommel and Vought. Effective date of CAP is reset today so ISR due within 60 days (2/1/04).
12/14/04-Vought-Spoke with Chris Tomasello and he requested further information on spill. 1/26/05-Vought-Reviewed Investigation Plan received on 12/31/04 and dated 12/20/04. Proposal for the
1)installation of seven monitoring wells (five along sidewalk of Kings Highway, one in the sidewalk along Ocean Parkway and one in a courtyard in the adjacent building (if access is granted))2)surrounding area site plan 3)delineation of soil contamination 4)Monthly indoor air sampling 5)installation and operation of a remedial system addressing all contaminated media. Results of monthly air sampling will be included in each of the quarterly reports generated. Vought sent letter approving of Investigation Plan but requiring that monthly indoor analyticals be submitted for review and possible forwarding to NYSDOH. NYSDOH Hughes, NYCDOH Nieves and Bob Brill cc'd on approval letter.
2/4/05-Vought-Received letter sent on 1/26/04 addressed to 216 East 49th Street returned as undeliverable. Vought called Kiselman for current address. Gene instructed to send it back to Janoff and Gurevich. Vought called Gurevich(212-829-9200) to confirm address and secretary added that address is: Alex Gurevich Janoff and Gurevich 216 East 49th Street 5th Floor New York, NY 10017 Vought reproduced 1/26/05 letter with date of 2/4/05 and sent and faxed to above address. 2/18/05-Vought-Received and reviewed indoor air analyticals. Vought called NYSDOH Rafferty for standards of comparison and left message to return call. Vought received call from Healey to see if indoor analyticals were reviewed yet. Vought requested that another copy be sent. 3/4/05-Vought-Received and reviewed indoor analyticals for month of February with indoor air concentrations of BTEX above background levels. Called NYSDOH Rafferty for standards of comparison. Vought spoke with NYSDOH Mike Hughes who requested copy of indoor analyticals be sent. Vought emailed copy of indoor analyticals and spill report notes to NYSDOH Rafferty, NYCDOH Nieves for review. 3/10/05-Vought-Received email from Mike Hughes that indoor air analyticals were reviewed and the following was required:
1) the installation of an active sub-slab depressurization system and
2)collecting air samples is not necessary as long as petroleum odors are detected in the building. Vought spoke to DEC Tang and sent email to Hughes requesting requirements in letter format. Vought also copied Healey on email. 3/22/05-Vought-Called Mike Hughes for status of letter and he will contact NYCDOH for site visit. Upon conducting site visit Hughes will produce letter and sent to Kiselman.
3/28/05-Vought-Received draft letter from NYSDOH Hughes for review. Vought approved draft letter and letter will be finalized by NYSDOH upon review by NYCDOH. NYCDOH scheduling site visit on 3/31/05. Drilling scheduled for 2/29/05 and site visit will be performed by Vought on 3/30/05. 3/29/05-Vought-Called Brill and Kiselman and left message informing them of upcoming site visit on 3/30/05. Vought spoke to Kiselman and told him of site visit and NYCDOH's 3/31 inspection. Vought also gave Kiselman number for NYSDOH.
3/30/05-Vought-Site visit by DEC Vought and DEC Tang. Tyree onsite and 8 out of nine wells were installed. No free product detected in groundwater. Further delineation will be required west of MW7 and MW9. Air samples collected for the month of March. PID survey of building including former soil gas sampling locations, elevator shafts and 5th floor all show non-detect results. Tyree possibly will spray elevator shaft bottom with sealer to prevent further vapor intrusion. 4/5/05-Vought-Received email from NYSDOH Hughes that site

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visit by NYCDOH was completed and it appears their inspection did not reveal any problems . Is it reasonable that measures to seal penetrations in the basement may be sufficient to controlling sub surface vapor contamination? . Vought called and spoke with Hughes who requested copy of March indoor analyticals and said that he is going to confer with NYSDOH McDonald to see if letter requiring sub-surface ventilation system is needed prior to obtaining 3/05 indoor analyticals. Vought sent email to Tyree and cc'd Hughes requesting copy of analyticals. 4/8/05-Vought-Received hard copy of indoor air analyticals. Vought sent request to Tyree (Healey) for email version to forward to NYSDOH. Reviewed indoor analyticals for month of March with indoor air concentrations of BTEX above background levels. 4/12/05-Vought-Received email copy of 3/05 indoor analyticals and forwarded to NYSDOH Hughes. Vought spoke with Hughes on 4/11/05 who requested copy of soil gas samples results from 8/04. Vought sent him hardcopy of results. 4/19/05-Vought-Received an email from Tyree Healey. I spoke with Mike Hughes about his concerns. He needed a copy of the map with the new sampling locations. We will also have to make an adjustment to the analysis method for the air sampling . Vought called Hughes for update and Hughes is formulating response of either additional sub slab soil gas sampling or recommending installation of a sub slab ventilation system based on indoor air sample exceedences. 4/26/05-Vought-Vought copied on email from NYSDOH Hughes to Tyree Healey dated 1/20/05. NYSDOH reviewed 2/05 and 3/05 Indoor analyticals and required the following info from Tyree: 1)Reason for difference in 2/05 and 3/05 sampling locations 2)are sampling locations in hallways or residences? 3)Reason why upper floors have higher BTEX as opposed to basement 4)Method of heating and cooling 5)HVAC details of building 6)presence of basement boiler room? 7)performance of a building questionnaire? 8)why was elevator shaft only a one time sample? 9)resampling of elevator shaft. Vought called Healey for status of delineation report and Department will receive report by 5/1/05. 5/16/05-Vought-Received indoor air analyticals for the month of April. Vought called Healey for: 1)status of delineation report. Delineation report delayed due to well survey and DEC will receive delineation report by 5/27. DEC will receive RAP by 6/16. Tyree spoke directly with NYSDOH and new map and sampling locations were sent to NYSDOH. No complaints received from building. Vought forwarded April indoor analyticals to NYSDOH Hughes. 5/17/05-Vought-Received email from NYSDOH Hughes. We now have data indicating that petroleum related compounds are present in the building at levels elevated above background and that building occupants continue to be exposed. Shawn Healey of Tyree did not address the comments and advice I provided in my April 20, 2005 note . Vought spoke with DEC Tang who required that Tyree respond to DOH's requirements in writing. Vought called Tyree and spoke with Hatcher and Healey to request response in writing. Vought called Hughes and left message to return call. 5/19/05-Vought-Received fax copy of Tyree's response to NYSDOH's requirements. Requirements were addressed to Mike Hughes (NYSDOH). Vought received email from Hughes with response to Tyree's written letter. Hughes required 1)product inventory every time indoor air samples are collected 2)feasibility of collection of sub-slab samples 3)evaluation of HVAC system. Vought forwarded email to Tyree and required written response to be sent to NYSDOH with cc sent to DEC. 5/25/05-Vought-Received second written response from Tyree to NYSDOH Hughes requirements via 5/19/05 email. Response written to NYSDOH Hughes and copied to DEC. 5/25/05-Vought-Received email response from NYSDOH Hughes addressed to Tyree(Healey). NYSDOH requested addition of 2,2,4-trimethylpentane

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to analyte list. Otherwise, your plans for investigation and sampling are fine. Vought forwarded requirement to Tyree and required that they send written response to NYSDOH and cc DEC.

5/26/05-Vought-Received email copy of written response from Tyree to NYSDOH agreeing to additional sampling analytes.

6/2/05-Vought-Received soil gas sample results from under elevator shaft and forwarded onto NYSDOH for review. Received email from NYSDOH Hughes that he received analyticals from elevator shaft and that the results appear to confirm a sub-slab vapor source of gasoline. NYSDOH also required inquiry with lab as to whether they can include the additional aliphatic compounds in the NYSDOH air sampling guidance (2,2,4-trimethylpentane). 6/13/05-Vought-Received Subsurface Investigation Report on 6/7/05 from Tyree. Vought spoke to Paul Hatcher who said that plan for vapor mitigation scheduled to be received by 6/17/05. 6/15/05-Vought-Reviewed Subsurface Investigation Report (Tyree) dated April 2005 and received on 6/7/05. Residential properties to the north, south, east and west. Installation of six monitoring wells. Groundwater at 18' below grade. Wells installed in sidewalk of Kings Highway away from source zone (under building) and as such there are no TAGM 4046 Required Soil Cleanup Objectives. Groundwater analyticals show: 170ppb benzene(MW1), 347ppb toluene(MW1), 251ppb ethylbenzene(MW1), 914ppb xylene(MW1), 558ppb benzene(MW5), 161ppb toluene(MW5), 2510ppb ethylbenzene(MW5), 7330ppb xylene(MW5), 4660ppb toluene(MW7), 15550ppb ethylbenzene(MW7), 8590ppb xylene(MW7), 12ppb benzene(MW9), 14ppb toluene(MW9), 665ppb ethylbenzene(MW9), 142ppb xylene(MW9) and 79ppb MTBE(MW9). Vought called Tyree Healey to require: 1)surrounding area site plan 2)complete delineation (additional wells located downgradient from MW9 and MW7). Vought sent letter with requirements on 6/15/05. Vought spoke to Tyree and Mitigation Plan will be received by 6/24/05 due to delay in receiving cost approval from Kiselman.

6/22/05-Vought-Received letters from Tyree Org and Microecologies Inc. Letter from Microecologies dated 5/31/05: it can be concluded that the heating and air conditioning systems serving the medical offices in the basement and on the first floor serve only those floors and do not provide a significant means of conveyance of air from the basement and/or first floor into the residential areas of the building on the 2nd through 5th floors, the forced air heating and air conditioning systems serving each of the residential apartments are completely independent from one another, it is reasonable to conclude that this phenomenon (the stack effect) is contributing substantially to the presence of this discernable odors and measurable vapors. Letter from Tyree (Healey) to NYSDOH Hughes dated 6/15/05. Tyree proposes: 1)submittal of report compiled by Microecologies 2)installation of one soil vapor extraction well at the bottom of the main elevator shaft connected to a 1.5HP Blower located in hot box outside the building adjacent to the parking area. All vapors will pass through two 85-gallon carbon drums 3)continuation of monthly air sampling. Mr Hughes, if you have any questions please do not hesitate to call. I would appreciate an immediate response to this proposal. 6/23/05-Vought-Received message from NYSDOH Hughes that he does not favor installation of above proposed SVE system in elevator shaft. Vought returned call and left message to return call. 6/24/05-Vought-Received draft letter response from NYSDOH Hughes stating SVE systems are primarily used to remove soil contamination and the proposed design may not effectively prevent vapors from migrating into the building. Active sub-slab depressurization systems typically used for controlling radon vapor intrusion have been shown to be effective and should be considered

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for this project . Vought discussed letter with DEC Tang and a teleconference between DEC and NYSDOH is scheduled for 6/28 to discuss feasibility of substituting depressurization system with Dual Phase extraction system. 6/28/05-Vought-Conference call with NYSDOH and agreement reached to install dual phase extraction system provided that pressure field measurement wells are also installed. NYSDOH will redraft letter and send to DEC. 6/29/05-Vought-Called Shawn Healey and gave approval to begin installation of SVE well in bottom of elevator pit. PID/LEL measurement will be continuous during well installation, elevator pit will be sealed, 4 well will be installed, pipe will be connected to hotbox and blower outside building which will be connected to effluent pipe above building roof. 6/30/05-Vought-Received draft NYSDOH letter, reviewed and approved with DEC Tang. DEC will draft letter to go with NYSDOH letter with additional requirements of 1)submission of foundation plans 2)continuation of monthly indoor air sampling 3)installation and submittal of plan with pressure field extension wells 4)sampling of SVE effluent. 7/6/05-Vought-Received indoor analyticals for the month of June and forwarded to NYSDOH Hughes. Vought called Hughes for status of signed NYSDOH letter and he sent in letter on 7/5/05. 7/8/05-Vought-Received signed original copy of NYSDOH letter for attachment to DEC Letter. Received approval of NYSDOH Hughes of NYSDOH letter with above requirements from 6/30/05. Vought called Healey and faxed him letters and sent originals to Kiselman. 7/11/05-Vought-Received message from Tyree Healey. Vought returned call and left message. 7/13/05-Vought-Received message from DEC Tang that he received call from a Dr. Smore who was resident at 587 Kings Highway (phone number unknown). Vought called Lasik Eye Surgery Center and no Dr. Smore worked there. Vought called information and no Dr. Smore worked there. FOIL has no information on spill either. Vought called Bob Brill and left message to return call to see if he knows Dr. Smore. Brill returned call and said a Dr. Small lived in building. Vought called information for a Dr. Small (718-382-0149). Vought called Small and gasoline odors detected previously. Vought explained installation of vapor mitigation system and dual phase recovery system. Dr. Small inquired about health effects and Vought referred him to NYSDOH Hughes and NYSDOH Nieves. 7/14/05-Vought-Conference call with NYSDOH Hughes, Hatcher and Healey. Well was installed and sealed in bottom of elevator pit. Piping is in place and no holes to subsurface present. Remaining work to be performed is electrical hookup. System scheduled to be running by middle of next week. NYSDOH Hughes suggested that a PID Survey be performed tomorrow afternoon by Tyree and Tyree agreed to perform survey. Hughes suggested that SUMA sample be obtained if odors persist after mitigation system operation. Vought spoke to Healey and PID sample will be taken at 12pm. 7/15/05-Vought-Received call from Tyree(Healey) that vapor mitigation system began operation and influent/effluent samples will be taken. 7/22/05-Vought-Received message from Tyree (Healey) that mitigation system is operational. Vought returned call and left message to return call to DEC. 7/25/05-Vought-Called Tyree(Healey) for 1)date of next collection of indoor air samples 2)date of submittal of Vapor mitigation plan with requirements from 6/30/05. Indoor air samples are scheduled to be collected 7/28, weekly site visits and weekly SVE sampling is being performed. DEC will receive Vapor Mitigation OM&M plan by 8/22. 7/27/05-Vought-Received message from Shawn Healey that carbon for SVE has been spent and will be replaced ASAP. 8/8/05-Vought-Called Shawn Healey for update on site and left message to return call. 8/9/05-Vought-Spill transferred to DEC Sun as per DEC Tang.

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8/24/05-Sun-On 8/23/05, the Department received from Tyree the laboratory results of indoor air samples for the month of July and Vapor Mitigation OM&M Plan. The analytical results of indoor air samples were also forwarded to NYSDOH by Tyree for review. (Sun) 10/26/05-Sun-The monthly air sampling was performed on 9/27/05. On 10/24/05, the Department received an updated Investigation Plan to investigation the off-site contamination. Review of this plan is pending. On 10/24/05, the Department requested Tyree to investigate a deodorant/cleaning agent stored in the building and used by the building for cleaning and mopping the floor. This cleaner is suspected for sweet chemical odors reported by a resident (Dr. Small) in the Apartment Building.(Sun) 11/01/05-Sun: The monthly air sampling was performed on 10/31/05. On 11/1/05, the Department received an email from NYSDOH stating that BTEX compounds from 9/27/05 samples are again present but at levels lower than in previous round. The Department is still waiting to receive product inventories in the building and material safety data sheets (MSDS) for cherry deodorant and cleaner. The Department is now planning a meeting on 11/14/05 with Tyree, NYSDOH and Responsible Party s Attorney to discuss the current project status, assess indoor sampling results and determine if other remedial measures can be used to determine and mitigate the subsurface gasoline contamination. (Sun) 11/2/05-Sun: The Department called Dr. Small, a resident of 587 Kings Highway, explaining to him about the current status of site remedial actions taken by the Department, including monthly air sampling from the each level of the building, including one sample from his apartment performed on 10/31/05. The Department also informed him that a strong chemical odor was detected from a cherry cleaner/deodorant on the first floor under the stairway where the product was stored during a joint inspection by DEC, NYCDOH and Tyree. Tyree was asked several months ago to complete a inventory survey of products. The Department informed Dr. Small that a project meeting with Tyree, RP (Gene Kisselman), and NYSDOH is now planned for 11/14/05 to discuss the current project status, assess indoor sampling results and determine if other remedial measures can be used to determine and mitigate the subsurface gasoline contamination. (Sun) 11/14/05-Sun: The Department received the inventory survey on 11/03/05, Goundwater analytical results on 11/09, vacuum test results on 11/09/05 and MSDS of cherry cleaner/deodorant on 11/10/05. (Sun) 11/23/05-Sun: The Department received the following email from Shawn Healey of Tyree on 11/23/05: On November 20th, 2005 Tyree attempted to install two temporary vacuum monitoring points in two of the elevator shafts at 587 Kings Highway. Due to unsafe working conditions in the elevator shafts the points were not installed. Tyree did install one temporary monitoring point in the electrical room of the basement at 587 Kings Highway. The electrical room is approximately 15' away from the south west elevator. Tyree cored through 24 inches of concrete and installed one point 3 inches below the slab. Vacuum readings were also taken on all existing monitoring wells. Please view the attached map. Tyree will again attempt to install two vacuum monitoring points in the basement. The concrete slab is thinner in other parts of basement, which will allow the vacuum monitoring point to be installed further below the slab. NYS DEC and DOH will be notified prior to start of work. Work must be approved and scheduled with the owner of the basement. (Sun) 11/23/05-Sun: Sun sent an email to Shawn Healy of Tyree on 11/23/05 requesting that Tyree email to DEC and NYSDOH the results of indoor air samples collected on 10/31/05, including the samples taken from Dr. Small's apartment.(Sun) 12/01/05-Sun: Dr. Small called Joe Sun

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inquiring about the indoor air quality of his building. I informed him that per Tyree the analytical results of indoor air samples taken on 10/31/05 is currently held up by the Laboratory since Tyree has not paid to the Laboratory. Sun will call Tyree again to find out the status of the payment issue and will call back Dr. Small on 12/02/05. (Sun) 12/02/05-Sun: Sun received the following email from Shawn Healy of Tyree on 12/01/05: Tyree will again attempt to install two vacuum monitoring points on Sunday, December 18th, 2005. One monitoring point will be installed on the bottom of the elevator shaft in the east corner of the building. The other will be installed on the bottom of the elevator shaft in the southwest corner of the building. A representative from the owner of the building will be in the building while the work is conducted. As previously requested by the owner, the work must be completed on Sunday. Tyree will also collect vacuum readings from all of the existing monitoring wells on Sunday, December 18th, 2005. (Sun) 12/02/05-Sun: Sun sent the following email to Shawn Healy of Tyree on 12/02: DEC and DOH are still waiting to receive the analytical results of indoor air samples taken on 10/31/05. Dr. Small already called me twice in one week inquiring about the indoor air quality. You must email to DEC and DOH the results without further delay. (Sun) 12/02/05-Sun: Sun called Dr. Small on 12/02/05 informing that based on 12/02/05 phone conversation between Sun of DEC and Paul Hatcher of Tyree that Tyree already cleared up the payment issue with their Laboratory and the Lab will release the analytical results of indoor air samples to Tyree today. Tyree will email the results to DEC and DOH today (12/02/05). (Sun) 12/12/05-Sun: Sun received the following email from Shawn of Tyree for his response to DOH's comments dated 12/07/05: 1) What/where are the two outdoor ambient samples, S-11 vs S-13? Please review the attached map. Two samples collected outside the building. Samples were collected to help determine if there is any influence from outdoor activities on the indoor air quality. 2) What does ambient-system (S-12) represent? Is it the post carbon effluent? Please review the attached map. No, this is not an Influent nor an Effluent system sample. This sample was collected outside the building immediately next to the system. An Influent system sample will be collected on the next sampling round. The next 8-hr air sampling event is scheduled for Wednesday, December 14th 2005. Samples to be collected on December 14th, 2005: 1) Influent System Sample 2) Ambient Sample - outside of building Basement Area/Dr's Office: 3) Waiting Area 4) Office 5) Room 3 6) Bathroom Residential Area: 7) First Floor Lobby 8) Second Floor Lobby 9) Third Floor Lobby 10) Fourth Floor Lobby 11) Fifth Floor Lobby 3) Do we have any samples representing the vapor contamination under the building? Yes, a soil gas sample was collected from under the slab of the building in the elevator shaft prior to system installation. Please review the attached lab data. 4) The basement level Room 3, bathroom and 2nd floor common area show an impact from what looks like gasoline (MTBE, hexane, xylene, 2, 2,4-tmp). I assume from the sub-surface source, but it is not clear why the other basement and condo areas are so different. Do the basement bathroom and room 3 have floor penetrations? Is there some preferential path from the basement area to the 2nd floor? The source of the impacts in Room 3 and Bathroom of the basement is unclear. It is necessary to review the next round of air samples to verify these impacts are not an anomaly. The 2nd floor lobby/common area indicated a decrease in petroleum related compounds after the system was installed. The latest round does indicate an increase of petroleum related compounds. Again, it is necessary to review the next round of air samples to verify for an anomaly. There

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are no apparent floor penetrations in Room 3 or the Bathroom. Please refer to the attached map for the exact sampling locations. 5) How will Dr. Small's data be provided to him? Do you need us (DOH) to send a letter with interpretation. Please refer to Joe Sun's email dated 12/7/05. 6) For any future air samples, please update the attached tables using the mcg/m3 data for the appropriate location. As requested, the tables will be updated after each sampling round. (Sun) 12/15/05: Sun received an email from Tyree the inventory report completed for the December 14, 2005 Air Samples. Tyree was not able to collect a sample in Dr Smalls apartment. He was not at home at the time, and Tyree was told by neighbors that he has gone to Florida. Also attached are photos relating to the inventory, pictures of the sampling locations in the basement, and an updated map of the basement. (Sun) 12/16/05: On 12/16/05, Sun sent an email to Shawn Healey of Tyree approving their Updated Subsurface Investigation Report dated November 2005. The contamination has been delineated to the extent possible. The Department requires a Remedial Action Plan be submitted by February 16, 2006 for review and approval. (Sun) 01/03/06: Sun received by email the analytical results for the soil samples collected in the secondary elevator shafts. These samples were collected while installing the vacuum monitoring points on 12/18/05. (Sun) 02/07/06: Sun received by email the analytical results for air samples collected on 01/19/06. A conference call is scheduled for 02/10/06 with NYSDOH and Tyree. (Sun) 02/09/06: Sun received a phone call from Joe Azizian (Phoner # 718-336-4604), a resident who lives on the 5th floor of 587 Kings Highway. Mr. Azizian said that he and his wife want to know if it was safe to live in the apartment before the blower was installed last year for venting the sub-slab contaminated soil vapor. I told him to call Mike Hughes of NYSDOH for any health related issues. (Sun) 02/10/06: A conference call was held on 02/10/06 between DEC (Koon Tang and Joe Sun) and NYSDOH (Gerry McDonald and Mike Hughes) and Tyree (Shawn Healey and Paul Hatcher) and Attorney for the Building Management (Alex Gurevich) to discuss the status of indoor air quality. Based on the analytical results of monthly indoor air samples taken from the last six months, it was agreed that the following course of action will be taken: 1) one more confirmatory round of routine sweep of air sampling to be taken in June 2006 and one final round of air sampling will be taken before the system is to be shut down when the contaminated media are fully cleaned up to the level that the spill can be closed, 2) In case that there is a complaint from the residents, Tyree will perform the air sampling only in this area where the odor is detected, 3) If the residents want to know the results of air samples, they can obtain this information from DEC through formal FOIL request, 4) NYSDOH will prepare a Factsheet for indoor air samples and will send it to DEC and Tyree for comments before releasing to the building residents, and 5) Tyree will prepare a separate document to supplement the RAP for the actions to be taken based on the agreement reached from this conference call. (Sun) 02/21/06: Sun sent an email to Shawn Healey of Tyree, reminding him that the Remedial Action Plan (RAP) which is due 2/16/06 is now overdue. He must submit the RAP immediately without further delay. (Sun) 03/14/06: Sun reviewed the January 2006 Site Status and Remedial Action Plan (RAP) submitted by Tyree on 02/27/06. The Department conceptually approves the plan to install an SVE/AS system to address the on-site source area soil contamination and high levels of dissolved BTEX compounds. The Department also approves a combination of ORC injections and monitored natural attenuation (MNA) for off-site remediation to address the downgradient portion of the

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groundwater plume. However, the results of the pilot tests and details of the system design must be submitted and approved by the Department before installation. As per Sun's conversation with Tyree dated 03/01/06, Tyree will complete the following tasks: 1. Complete the pilot tests by April 7, 2006. 2. Complete the system design by May 10, 2006. 3. Complete the equipment procurement by July 10, 2006. 4. Start the system by August 10, 2006. The Department requires that the above schedule must be fully complied without any delay. (Sun) 06/15/06-Sun: Tyree collected a confirmatory round of indoor air samples on June 1st. The samples will be collected in the same manner as the previous rounds. The Department requires that the system be ready for start-up by 8/31/06. (Sun) 09/01/06-The Department received a Remedial Action Plan (RAP) from Tyree on 08/25/06. (Sun) 09/15/06-Sun: On 09/14/06, the Department approves the proposed SVE/AS system with the following conditions: 1. Installation of four (4) New SVE Wells: Existing Monitoring Wells, MW-1, MW-5 and MW-7 are 2-inch wells and should continue to function as monitoring wells, not be used as SVE wells. Existing monitoring well MW-12 is a 4-inch well and, thus can be converted to a SVE wells. In addition to one proposed 4-inch SVE well (PSVE), three new 4-inch SVE wells should be installed adjacent to existing MW-1, -5 and -7. 2. Soil Vapor Extraction System (SVES) Data Sheet shall be completed and submitted to the Department by November 14, 2006 for review. The Blank SVES Sheets are attached here for your reference. 3. Installation of Effluent Vapor Treatment Unit: SVE/AS system schematic shown on Figure 7 does not show any treatment for the vapor discharge. An activated carbon unit to treat effluent vapors must be included in the design. Figure 7 should be revised and submitted to the

Department for review and approval. 4. System Operation, Monitoring and Maintenance Plan (OMMP) including sampling of System Influent and Effluents: The OMMP shall describe and tabulate the operation, maintenance and monitoring schedule (Frequency) for system equipment and their performance, influent and effluent air emission, all monitoring wells and indoor air samples. As required in the Corrective Action Plan, the OMMP shall be prepared in accordance with DER-10 Technical Guidance for Site Investigation and Remediation drafted 12/25/02, available on the Department's website: www.dec.state.ny.us. 5. Monitoring of Indoor Air Samples: For confirmation of no vapor intrusion into the building, the Department requires that indoor air samples be collected weekly in the Lasik Building and adjacent building near MW-12 for the first month when the new SVE/AS system is operational to monitor potential petroleum vapor levels in the buildings. The analytical results of the indoor air samples must be submitted to the Department for review and approval. Collection of air samples can be changed to bi-weekly the second month and then monthly. Per Corrective Action Plan (RAP) attached to the Stipulation Agreement, within 45 days of the Department's approval of the RAP, Respondent shall implement the approved RAP. The RAP must be implemented no later than October 30, 2006. (Sun) 10/24/06-Sun: The Department provided comments to NYSDOH about the Fact Sheet for this site. Mike Hughes of NYSDOH informed the Department that he is moving this draft fact sheet internally for final release. (Sun) 11/13/06-Sun: Sun called Shawn Healey of Tyree informing him that implementation of SVE/As System has passed the due date of 10/30/06. The Department requires an immediate response on the status of the remediation action schedule. (Sun) 11/14/06-Sun: Per conversation between Joe Sun of DEC and Shawn Headley and Paul Hatcher of Tyree, Tyree will complete the installation of SVE/AS system by Mid December, 2006. (Sun) 11/29/06-Sun: Mike Hughes of

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NYSDOH sent to DEC a final version of the Factsheet for 587 Kings Highway. It has their internal approval. (Sun) 12/20/06-Sun: On 12/20/06, the Department approves the Revised Remedial Action Plan, submitted by Tyree, dated 12/06/06 based on significant reduction in concentrations in groundwater samples of the last two quarters. Tyree's Revised Remedial Action Plan includes the following: 1) Immediately move forward with the ORC injection plan outlined in the approved RAP with additional four injection points immediately north, upgradient of the building, 2) Connect wells MW-1 and MW-5 to the current SVE system operating onsite, 3) Sample all monitoring wells onsite on a monthly basis for six months and collect dissolved oxygen readings during all sampling rounds, 4) At the end of the six-month period, proceed with another injection or continue to sample on a monthly basis, and 5) If the injections and enhanced SVE system prove to be ineffective, Tyree will move forward with the AS/SVE system installation and indoor air sampling as outlined in the approved RAP. The Department requires five days advanced notice of any remedial work at the site. The RAP must be implemented no later than February 5, 2007. (Sun) 01/15/07-Sun: Shawn Healey of Tyree informed DEC that the SVE upgrade by adding MW-1 and MW-5 to the current SVE system is complete. He will be in contact with DEC about the ORC injection schedule. (Sun) 01/17/07: In response to Mike Hughes' question about the Factsheet, Sun sent the following email to him: Mike, I had not sent the factsheet to the residents of the building for two reasons: one is due to significant reduction in concentrations in groundwater samples of the last two quarters, Tyree proposed to change the original SVE/AS system to a system by connecting to wells to the current SVE system operating onsite. The addition of the two wells will expand the area of influence of the current system. The greater influence will enhance the reduction of source concentrations in the soil under the building. Tyree will immediately move forward with the ORC injection plan with four additional injection points. If the injections and enhanced SVE system prove to be ineffective, Tyree will move forward with the original SVE/AS system installation and indoor air sampling as outline in the approved RAP. DEC approved the above revision on December 20, 2006. Since the factsheet under two headings What are the next steps and How can I be sure that the building indoor air is not affected in the future? , mentions that Tyree will be installing a combined SVE and AS system, a revised factsheet may be required to reflect the changes as described above. The second reason is that DEC has not received the contact list of the resident of the building from Tyree. Tyree mentioned that some residents were reluctant to give their names. But, I think we can get this around by mailing the factsheet to the Resident of their addresses. Shawn, Can you check if you sent the reports and air sampling results to Dr. Small? If you had not done so, please send him a copy ASAP. Thanks. (Sun) 01/18/07-Sun sent the following email to Mike Hughes of NYSDOH and Shawn Healey of Tyree: I checked our FOIL Department and our record shows that Dr. Small made a written FOIL request to DEC on July 12, 2005. About five (5) inch file was copied on CD and mailed to him on July 29, 2005. So, he had our report for this site. In addition to the above report, I will ask Shawn to send Dr. Small a summary of all the results from the building and a copy of the lab results from his apartment. Shawn, Please send Dr. Small a summary of all the results from the building and a copy of the lab results from his apartment ASAP. Please also send an email to Mike with an attachment of the revised remedial action plan. Mike, I will make the necessary edits of the factsheet so it accurately reflects the proposed remediation and email to you

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for comments. (Sun) 01/19/07: Sun received the following email from Shawn Healey: The information will be sent to Dr Small today via Fedex, for a Monday delivery. Dr Small called me yesterday, and asked about the construction going on outside the building last week. I explained that the existing system was being upgraded and that the work being done was included in our remediation plan. I also explained that the NYSDEC reviewed and approved the plan. He also asked if we are still collecting air samples inside the building. I explained that after review by NYSDOH and NYSDEC, the indoor air levels appeared to be within background levels and sampling had stopped for now. He seemed satisfied with the information I provided, and I told him to call with any questions. (Sun) 01/22/07: Shawn Healey of Tyree informed DEC that he had sent June 2006 Air sampling Summary including the sample collected from Dr. Small's apartment to Dr. Small. (Sun) 01/23/07: ORC injection was performed by Tyree on 01/23/07 through 01/25/07. (Sun) 01/29/07: Sun received the following email from Mike Hughes of NYSDOH: Chris and I had a phone conference with Dr. Small on Friday to discuss the air sample results he received. Dr. Small had a number of questions, but his biggest concern was whether or not he or his neighbors are being exposed to chemicals in their homes. Without reiterating all of the details, we did our best to differentiate between petroleum (gasoline) versus non-petroleum, explained background levels and how his results compared, and the comparison to occupational standards (OSHA PEL). I ended emailing him a summary table of his results with background comparison and a link to our background study. Chris offered to send Dr. Small a letter that provides a risk assessment based upon the values detected in the building. In the end, Dr. Small's issues are: he reports that he still can smell vapors the he believes are organic in nature how we can we be sure that he and his neighbors are not being exposed he is the building residents spokesperson/representative and needs to advocate for their best interests how this will affect their property value and what will be done about the certificate of occupancy issue from NYC I don't recall if there was any plan to collect additional indoor air samples, but both Chris and I believe that another set of air samples may be beneficial, particularly to address any continued odors and verify that the system(s) are working effectively. I suspect that the intermittent odors Dr. Small reports are from the Lasik Eye office in the basement. Shawn/Joe can you discuss with the building owner about collecting additional samples. I don't think all of the samples collected in the asement are necessary, but samples from the common areas of the residential floors, Dr. Small's apartment, outdoor, SVE effluent and elevator shaft, if possible, should be collected. (Sun) 01/30/07: Shawn Healey of Tyree informed DEC that they will receive the summa canisters on Friday (2/2/07). They can do the indoor air sampling on Monday (2/5/07). He suggests possibly having a representative from at least one of the agencies involved to witness the sampling. (Sun) 2/2/07: Shawn Healey of Tyree informed DEC that he did speak with Dr. Small this morning. Dr. Small will be available on Monday so they can set up the summa canister in his apartment. (Sun) 2/5/05: Indorr air samples were taken on 02/05/07 by Tyree. (Sun) 02/09/07: Shawn Healey of Tyree informed DEC that they are installing a new blower at 587 Kings Highway next week. The system is currently running, but we wanted to upgrade. Attached are the specs for the new blower. (Sun) 02/15/07: Shawn Healey sent the following email to Joe Sun: Joe, NYCDEP would like a meeting onsite to review the project's history. Would you be available for a meeting onsite on March 2nd at 10AM. We submitted a request for a No Objection from the

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NYCDEP letter to receive the permanent CO. It appears that NYCDEP may need assurances from the NYSDEC and NYSDOH that the contamination is monitored correctly. (Sun) 03/07/07: The on-site meeting between DEC, Tyree and NYCDEP is scheduled for March 12, 2007. (Sun) 03/19/07: A meeting was held on-site on 3/12/07 involving DER staff (Joe Sun and Vadim Brevdo), NYCDEP representatives (Daniel Cole) and Tyree (Shawn Healey and Paul Hatcher) to review the project's history. The meeting concluded that NYCDEP staff will need to consult with their attorney if a Restriction Declaration (equivalent of a deed restriction) should be signed between NYCDEP and apartment owners since this is a E-designated site which requires a comprehensive review by NYCDEP before a Notice of No Objection letter can be issued from NYCDEP to NYCDOB. (Sun) 03/27/07-Sun: A conference call was held on 03/27/07 involving NYSDOH (Mike Hughes), NYSDEC (Joe Sun and Vadim Brevdo) and Tyree (Shawn Healey and Paul Hatcher) to discuss the project status, including the Factsheet drafted by NYSDOH. After incorporating all the comments from NYSDEC and Tyree, a final version of Factsheet was issued by NYSDOH on 03/27/07 and will be distributed to the building residents. (Sun) 03/27/07-Sun: A Risk Assessment letter was prepared by NYCDOH (Christopher D'Andrea) to Dr. Small, a resident in the building. The letter is an evaluation of the possible health issues associated with vapors from spill. The letter was reviewed by NYSDOH and NYSDEC. The letter will be sent to Dr. Small by 03/28/07. (Sun) 04/27/07-Sun: Sun received the following email from Mike Hughes of NYSDOH: Gentlemen, Mr. Ilya Minkin, the President of the apartment owner's association for 587 Kings Highway, contacted me asking for assistance to address his and the resident's concerns about the continued operation of the existing remedial system. Apparently the operation of the system has created a very large financial burden on the resident's as there is not a separate meter for its operation. Mr. Minkin contends that reimbursements for electrical costs are very lax from the developer. Secondly, the residents have not been provided with a CO, which they believe is because of the on-going remedial efforts. How long is the treatment system expected to operate? and Do any of you know who at Dept. of Buildings or DEP can be contacted by Mr. Minkin to address his concerns about getting CO's for the building? (Sun) 04/30/07-Sun: Sun sent the following email to M. Hughes (NYSDOH), Shawn Headly (Tyree) and Alex Gurevich, Esq. (Attorney for the Developer, Gene Kiselman), Mike, As Shawn already indicated in his email last Friday that the most recent influent system samples still indicate high levels of VOCs. DEC requires that the treatment system will continue to operate until the influent levels of VOCs consistently meet NYS state criteria for soil vapor or reach to a point where the collection of VOCs approaches to an asymptotic level. If the collection of VOCs reaches an asymptotic level which turns out to be too high to be acceptable for termination of the system operation, some additional measures may be required to keep the VOCs from entering indoor air. The treatment system can not be shutdown until it is reviewed and approved by DEC and DOH in writing. Shawn, From my conversation today with you, it is my understanding that the power to run the treatment system is drawn from the source for common areas such as hallway, stairway and elevators. I think the better way to separate the power consumption for the treatment system from these common areas is to have a dedicated meter to record the power consumption for the treatment system. This way, the residents know how much they can get reimbursement for electrical costs from the Responsible Party (Mr. Gene Kiselman). But, you also mentioned that there may be an agreement between the apartment owner's association (board) and Mr.

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Kiselman for the reimbursement for electrical costs. Please note that the reimbursement for electrical costs should be prompt. Mr. Gurevich, As you can see from Mike Hughes's email below, the apartment owner's association had a complaint that reimbursements for electrical costs are very lax from the developer. Would you bring this to Mr. Kiselman's attention and address this issue. We believe that it is the site developer who is responsible for the electrical costs of operating the system, unless there is some specific agreement which makes residents responsible for costs. (Sun) 08/30/07-Sun: On 08/30/07, Sun sent the following email to Shawn Healey of Tyree, Shawn, As I indicated in our conversation today that based on the Groundwater Monitoring Reports, dated 2/28/07, 4/13/07, 6/28/07 and 8/9/07 since ORC Injection was performed on January 22, 2007, the BTEX concentrations in well W-1, W-5 W-7, W-9 and W-12 have increased significantly. This shows that the ORC injection is ineffective. DEC is now requesting that Tyree submit other alternative remedial action plan by September 13, 2007 for DEC's review. As a reminder, please submit all the reports in hard copy as well as CD in pdf form. I had not received CDs for the last four Quarterly Groundwater Reports. You can email me with attachments in pdf for the last four GW monitoring reports. (Sun) 10/17/07-Sun: In response to DEC's letter dated 8/30/07 requesting an alternative RAP, My. Robert Ott of Tyree submitted a Chemical Oxidation Work Plan on 10/17/07. (Sun) 10/22/07-Sun sent DEC's comments on Tyree's Chemical Oxidation Work Plan on 10/22/07. (Sun) 10/25/07- DEC received an email from Robert Ott of Tyree, informing DEC that floating products were detected in MW-1 and MW-2 today during their routine monitoring and bailing at the site. Tyree will dispatch a VAC truck to the site tomorrow (10/26/07). (Sun) 10/26/07-Sun: Sun conducted a site visit to observe the circumstances in the field and met with Robert Ott of Tyree and his technicians. Tyree used vac truck to pump out the floating products in MW-1 and MW-2. Per Robert Ott, Tyree already took some floating product samples yesterday from MW-1 and MW-2 for product analyses and identification. Sun told Mr. Ott that Tyree should conduct product recovery events on a weekly schedule until a permanent remedial solution is implemented. (Sun) 10/29/07-Sun: On 10/26/07, DEC approved Tyree's chemical oxidation work plan dated 10/17/07 with the following conditions: 1)The permanent monitoring wells should be developed and sampled to determine baseline groundwater quality conditions prior to implementing the Chem-Ox injections; 2)If follow-up groundwater monitoring indicates that the Chem-Ox and ORCA are not effectively reducing contaminant concentrations, an alternative remedial approach must be developed. (Sun) 10/29/07-Sun: Sun informed Mike Hughes of NYSDOH about DEC's approval of chemical oxidation work plan prepared by Tyree, dated 10/17/07 and floating products found in well MW-1 and MW-2 during Tyree's routine monitoring and bailing event on 10/24/07. Sun also asked Mike Hughes's opinion on indoor air sampling. (Sun) 11/5/07-Sun: Robert Ott of Tyree informed Joe Sun of DEC by email that Tyree will be performing baseline soil sampling at the Lasik Center Site, along the north side of Kings Highway. Driller will be performing this work on November 6, 2007, beginning at 8:00 am. Attached is map depicting locations and depth etc (see eDOC). Sun replied that Tyree can proceed the above work. (Sun) 03/10/08-Sun: Sun received the quarterly monitoring report dated February 2008. The report shows that MW-1 had 0.38 feet of free product. Total BTEX ranged from Non-detected to 5,151 ppb and MTBE ranged from Non detected to 1.84 ppb. (Sun) 05/20/08-Sun: Sun sent the following email to Robert Ott of Tyree: Hi Robert, According your last

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quarterly monitoring report dated February 2008, Tyree took baseline soil boring samples on 11/27/2007. Chemical Injection was completed on 1/30/2008. Based on the approved Chemical Oxidation Work Plan, Tyree is required to submit the quarterly report for field data (pH, DO, ORP, Temperature & conductivity), Contaminants of Concern(COC) per EPA 8260 and Dissolved Iron. Please let me know when the next quarterly monitoring report can be submitted to DEC for review. Your immediate response is urgently requested. (Sun) 05/20/08-Sun: Sun called Robert Ott of Tyree about the status of the project and he informed Joe Sun that Tyree has not been authorized by the RP's Attorney (Mr. Alex Gurevich) to perform any future work for the subject site. (Sun) 05/22/08-Sun: Sun received a call from Robert Ott of Tyree, informing DEC the following: 1. Tyree sampled the groundwater on March 4, 2008. 2. Tyree sampled the influent and effluent of air samples from SVE system on February 7, 2008. The SVE system is still operating on-site and a spare carbon unit is ready on-site for replacement if they need to replace the spent one. Sun asked him to send the electronic copy of the last report, dated

February 2008 to DEC. He stated that they are not authorized to do any work for this site. (Sun) 06/23/08-Sun: Sun sent a Notice of Violation of Stipulation Agreement to the Respondent (Gene Kisselman). The letter indicates that Quarterly monitoring reports were submitted by the Respondent as required under the Stipulation through January 2008 (although no air sampling data has been provided for January 2008). As of today, the Respondents have failed to submit subsequent monthly influent/effluent air sampling data and the required monthly and quarterly reports. In addition, pursuant to the approved Chemical Oxidation Work Plan for groundwater treatment, the Respondent is required to monitor groundwater for contaminants of concern on a quarterly basis and submit quarterly reports for review. Since January 2008, the Respondent has failed to submit quarterly groundwater monitoring reports. The Department requires that the Respondent submit all required reports by July 1, 2008, or he will be held in violation of the Stipulation. (Sun) 06/23/08-Sun: Sun sent a Notice of Violation to the Respondent (Gene Kisselman) for failure to comply with the Stipulation Agreement. Quarterly monitoring reports were submitted by the Respondent as required under the Stipulation through January 2008 (although no air sampling data has been provided for January 2008). As of today, the Respondents have failed to submit subsequent monthly influent/effluent air sampling data and the required monthly and quarterly reports. In addition, pursuant to the approved Chemical Oxidation Work Plan for groundwater treatment, the Respondent is required to monitor groundwater for contaminants of concern on a quarterly basis and submit quarterly reports for review. Since January 2008, the Respondent has failed to submit quarterly groundwater monitoring reports. The Department requires that the Respondent submit all required reports by July 1, 2008, or he will be held in violation of the Stipulation. The deadline has been extended to July 15, 2008 by DEC 's Legal Council John Urda to Seth Friedlan. (Sun) 8/7/08 - Obligado - This spill has been transferred from Sun to Obligado as per directive from Brevdo. I called Chris Tomasello ASR who is new consultant for RP. They did effluent sampling in July and he will submit a report. 1/12/09 - Obligado - Sent letter to Mr. Kisselman requiring submission of missing O&M data, workplan for additional delineation, replacement of MW5 (dry), submission of hydrographs, survey and contour map, a new Remedial Action Work Plan as (the chem ox work plan was apparently discontinued when Kisselman hired new consultant). 2/17/09 - Obligado - Meeting with ASR, Kisselman, and DEC. They will submit a workplan to do additional

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delineation. They will also restart the vent system which is not functional 3/4/09- Obligado - ASR submitted an extension request for 90 days for submission of the workplan based on current economic times . Sent email denying the request. 4/1/09 - Obligado - Email from Tomasello, the vent system has been repaired. According to Chris, they will submit a workplan. 6/2/09 - Obligado - Met Rich Levato on-site to look at potential well locations. MW5 was only 18 ft (gw at 19 ft), so this well must be reinstalled. There are two potential locations at north adjacent apartment building, and one potential downgradient location southwest of MW9. Rich will submit a workplan. Based on system effluent data, I asked Rich to sample all wells for PERC. 2 additional wells were found on-site. Rich will gauge and sample those as well. The SVE system was turned off. A rotron fan was installed instead to operate as a mitigation system and was operational. 8/18/09 - Obligado - Sent workplan disapproval letter with comments (in edocs). Required resubmittal within 30 days. 8/20/09 - Obligado - Delivery confirmation. 12/2/09 - Obligado - Revised Work Plan was not received. I sent a Notice of Violation letter to Mr. Kisselman requiring him to submit the revised work plan within 30 days or the case would be referred to Legal. 3/4/10 - Obligado - I called Mr. Kisselman to inquire about the overdue workplan and quarterly reports. I left a message to call back the DEC. 5/20/2010 - Obligado - Referred to Legal for enforcement 6/7/10 - Obligado - I called Mr. Kisselman again at the number he provided at our 2/17/09 meeting 718-449-8300 and left a message to call back the DEC. 3/26/13 - Obligado - I discussed this open case with Legal. Legal requested I draft another case initiation form. 4/5/13 - Obligado - I drafted another case initiation form. 3/18/14 - Obligado - I spoke with Mr. Jack Hulla 914-438-9567, who is the owner of the Dr. Office. We discussed the site issues. According to Jack, they have not experience any complaints of gasoline odors. I asked him for the contact info for the Property Management. The contact is Jeff Winters, of Brooklyn Property Management 718-499-4838. I called MR. Winters and left a message to call DEC.. 4/2/14 - Obligado - I sent a letter to Kisselman notifying him that the Department intends to start a state funded cleanup if he didn't respond with a workplan within 30 days. Letter sent to last known addresses via certified mail receipt #7005 2570 0001 3265 8942 and #7005 2570 0001 3265 8959 I also called and spoke with Jeff Winters. I told him DEC intends to do state spill fund clean up since developer has not cooperated. I sent a letter to Mr. Jeff Winters at Brooklyn Management Company which represents the Condominium, notifying him that the DEC intended to complete the cleanup using the spill fund and requesting that he sign and return an access letter. 5/6/14 - Obligado - According to USPS website 7005 2570 0001 3265 8942 was delivered at 12:25 pm on April 4, 2014 in NEW YORK, NY 10017. According to USPS website 7005 2570 0001 3265 8959 was forwarded and is still in transit. 5/9/14 - Obligado - I spoke with Jeff Winters. He will send me the signed property access form. 5/12/14 - Obligado - Property access received signed by Mr. Winters. 5/13/14 - Obligado - Delivery to Kings Highway DOS service address has been returned undelivered. Based on prior discussion with Randall Austin and Jeffrey Vought, initiated PIN callout. I also called Mr. Dave Lorthioir to schedule a site visit. Left message to call the DEC. 5/13/14 - Obligado - I called Mr. Kisselman's office at 718-449-8300, and spoke with the secretary. She said Mr. Kisselman is not in. She asked what this was regarding, and I said 587 Kings Highway Condominium. She said that is not one of his buildings, and I said it was one of his buildings. I left my number to call back the DEC. I asked for the office address:

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4102 13th Avenue, Brooklyn, NY 11219. From Google, at this address is: Kiselman Dialysis 4102 13th Avenue Brooklyn, NY 11219 4102 13th Avenue, Brooklyn, NY 11219 Phone: (718) 517-2222 - Fax: (718) 435-0354 5/14/14 - Obligado - After discussion with DEC Vought who recommended holding off on start of work until give additional notification to RP I sent a letter to Kiselman at 4102 13th Ave, Brooklyn notifying that the DEC intends to start a state funded cleanup if a workplan is not submitted. 6/10/14 - Delivery confirmation receipt received. The letter was delivered to Mr. Gene Kiselman, 250 E. 49th St NY, NY 10005 on April 4 2014, receipt signed by Les Milic. 6/18/14 - Obligado - I received the letter sent to Kiselman Dialysis address unclaimed. I resent the letter in new envelope via regular mail. 8/25/14 - Obligado - Again, no response from Kiselman. I spoke with EnviroTrac and Jack Hulla to schedule site meeting for start of DEC cleanup project. 8/28/14 - Obligado - I met Dave Lorthior at the site to discuss upcoming work. He will do a full round of groundwater sampling and collect a vapor sample from the SSDS effluent. We discussed the upcoming work with Dr. Bly and Jack Hulla, the office manager. MONitoring wells still present in the sidewalk. MW1 was popped open. A dedicated bailer was hanging from the well casing. Dave bailed the well. No product was present. Petroleum odor noted in the groundwater. We inspected the system area. The Rotron type blower was humming and appeared to operational. We walked the basement office building. Jack Hulla showed us the former Sub slab vapor points which have been plugged over. The points may still be accessible if necessary in the future. 9/4/14 - Obligado - Email from Dave Lorthior - Envirotrac will conduct the following work: 1. Install a test port on the ventilation system and utilize a SUMA canister to obtain an effluent sample. Sample will be submitted to DEC lab and analyzed as per Method TO15. The lab will be requested to add TCE, PCE and other chlorinated solvents to the analyte list. 2. Gauge, purge and sample all monitoring wells. Purge water will be removed the same day as generated. Samples will be submitted to DEC lab. I confirmed via email that the scope of work was acceptable. 10/8/14 - Obligado - I discussed the scope of work further with Dave. Email from Dave, work scheduled for 10/21 and 10/22. 10/9/14 - Obligado - Call Out ID 122628 approved for Test America Lab analysis. Call Out ID 122627 approved for Envirotrac for vapor sampling, disposal of SVE system spent carbon, well development and Groundwater sampling, disposal of purge water, report preparation. 2/4/15 - Obligado - Investigation Received from Envirotrac received. 3/10/15 - Obligado - Completed DEC Review of the report. Forwarded the Investigation Report to NYSDOH Michael Hughes for guidance due to detection of 55 ug/L Perc, 30 ug/L ethanol, and 1900 ug/L TBA in vapor from the SSDS effluent and Envirotrac recommendation for VI investigation. 3/11/15 - Obligado - According to DOH Michael Hughes agrees with recommendation for VI investigation. 3/12/15 - Obligado - Called Jack Hulla 917-804-7088, the Doctor's office administrator to discuss report findings and schedule coming work. Left message to call back the DEC. I called Jeff Winters of Property Management to discuss the report and schedule upcoming work. Left message to call back DEC. I spoke with Jack. He would provide access for Envirotrac do the sampling. 6/22/15 - Obligado - I received the report documenting the SVI investigation at 587 Kings Highway. The report found 32 ug/m3 PCE in basement air at sample BA-3. SS sample BA-3 had a hit of 420 ug/m3. Ethanol concentrations were high as well, up to 22000 ug/m3. The report recommends additional investigation of solvents and if NYSDOH concurs, mitigation. I emailed the report to Michael Hughes and

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Nathan Waltz at DOH. 6/29/15 - Obligado - Conference call with NYSDOH and NYCDOH. NYSDOH thinks that the ethanol concentrations are not concerning and likely due to medical chemicals in the building. The PCE data is indicative of SVI occurring in the western portion of the building, likely from an off-site source. They will draft a letter to the property owner recommending that the mitigation system continue to operate. They also will plan to collect an indoor air sample to see if the mitigation system is effective. 7/24/15 - Obligado - I was cc'd a letter from NYSDOH to the property management company and to Lasik. According to the letter In summary, the March 20, 2015 sampling results indicate that the sub-slab soil vapor and indoor air levels of petroleum related compounds are similar to background.

However, an additional compound, PCE, was found in sub-slab vapor samples and in indoor air at levels higher than expected, and we believe that actions are necessary to address exposure concerns related to soil vapor intrusion. Therefore, we are recommending that the SSDS remain operating to minimize exposure to PCE. We would also like to collect additional indoor air samples to ensure that the SSDS is adequately mitigating exposure via the soil vapor intrusion pathway when operating. 9/1/15 - Obligado - I sent an email to NYSDOH inquiring if they NYSDOH or NYCDOH planned to proceed with the indoor air sampling. 9/2/15 - Obligado - I received a response from Nate that they are still planning on doing the sampling, but they have not gotten it lined up yet. 9/30/15 - Obligado - I sent another email to Nathan inquiring if they had any updates with regard to the proposed air sampling. 12/30/15 - Obligado - I received a confirmation email from Nathan Waltz that All the results were below the air guideline value of 30 ug/m3, they were all 10 ug/m3; looks like the SSDS is operating effectively in mitigating exposure. Due to the fact that there is no longer petroleum VOCs impacting the 587 Kings Highway Building, and the SSDS system is operating and appears to be mitigating PCE vapors, and based on the most recent gauging and sampling event, there was no LNAPL present in wells and the petroleum VOC plume beneath the site appears to be attenuating as a result of removal of source via soil vapor extraction, chemical oxidation injection groundwater treatment, and natural biodegradation. This spill no longer appears to be a threat to human health or the environment and the spill is closed. 3-9-16 - Obligado - I received an inquiry from Jeff Winters regarding the need to operate the SSDS. I forwarded him the letter previously sent by Nathan Waltz at DOH which recommended that the building continue to operate the SSDS. I advised him to contact Nathan Waltz at DOH regarding any questions about indoor air concerns."

Remarks:

"while removing underground storage tank, soil contamination was discovered. clean up pending."

All TTF:

Facility ID: 9901118
Spill Number: 9901118
Spill Tank Test: 2505068
Site ID: 324463
Tank Number: 0
Tank Size: 4000
Material: 2712
EPA UST: True
UST: True
Cause: 99
Source: 99
Test Method: -
Test Method 2: Not reported

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Leak Rate: Not reported
Gross Fail: Not reported
Modified By: RJWHITCH
Last Modified Date: Not reported

All Materials:

Site ID: 324463
Operable Unit ID: 1079882
Operable Unit: 01
Material ID: 304659
Material Code: 0009
Material Name: gasoline
Case No.: Not reported
Material FA: Petroleum
Quantity: .00
Units: G
Recovered: .00
Oxygenate: Not reported

Name: 587 DEVELOPMENT INC
Address: 587 KINGS HIGHWAY
City,State,Zip: BROOKLYN, NY
Spill Number/Closed Date: 9901118 / 2015-12-30
Facility ID: 9901118
Facility Type: ER
DER Facility ID: 261350
Site ID: 324463
DEC Region: 2
Spill Cause: Unknown
Spill Class: B3
SWIS: 2401
Spill Date: 1999-04-29
Investigator: AAOBLIGA
Referred To: REFERRED TO LEGAL
Reported to Dept: 1999-04-29
CID: 384
Water Affected: Not reported
Spill Source: Institutional, Educational, Gov., Other
Spill Notifier: Local Agency
Cleanup Ceased: 2004-04-20
Cleanup Meets Std: False
Last Inspection: Not reported
Recommended Penalty: False
UST Trust: True
Remediation Phase: 0
Date Entered In Computer: 1999-04-29
Spill Record Last Update: 2016-03-10
Spiller Name: george macchia
Spiller Company: Northland Marketing
Spiller Address: 556 CENTRAL AVE
Spiller Company: 999
Contact Name: JOHN PIZZUTO
DEC Memo: "Prior to Sept, 2004 data translation this spill Lead_DEC Field was
VOUGHT 12/5/03 Reassigned from O'Dowd to Vought.
12/5/2003-Vought-Spoke with Russel Furia (Zytel PC 631-544-0092 cell
516-319-7094) and ten-story building is built above site. Zytel
stated that Gene Kiselman (see spill #9610335 at 6501 Bay Parkway) is
developer. Site developer is 587 Development Inc, 134 85th Street

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Brooklyn NY 11209 fax 718-836-8858. Zytel will perform Phase II and will call back by Wed (12/10) with plans. 12/10/2003-Vought-Spill transferred from O'Dowd to Vought. Vought sent letter to owners requiring: 1) submission of UST closure data including endpoint analyticals, site plan, disposal manifests and groundwater sample 2) Current status of site. Vought sent letter to site owner (according to NYC Tax Assessor owner is LMB Holdings, LLC. 587 Kings Highway Apt 1, Brooklyn, NY 11223-2019). Vought called John Pizzuto (on PBS registration) and he is no longer the owner of the property and he also stated that a ten story residence was occupied and built by the new owners. Vought sent certified letter with above requirements, Stipulation Agreement and clause of NYC and NYS Department of Health notification to 587 Kings Highway Development Inc and an uncertified copy to Michael Levin 187 Avenue U, Brooklyn, NY 11223 listed via the NYS Division of Corporations Entity Info. Both letters have a due date of 1/5/04. 12/29/2003-Vought-Received message from Bob Brill (718-627-0303x227) regarding site. 12/30/2003-Vought-Returned call to Bob Brill and left message to return call to DEC. Vought received call from Brill who is one of eight condominium owners. Building has eight tenants and a medical practice is housed in first floor and basement. Mr. Brill is not aware of any odor complaints. Management contact is Hadassah Rothenberg MalkaFaye Management 344 7th Avenue, Brooklyn, NY 11215 (718)788-8420x19 Fax 718-788-7170. Vought faxed Haddasah copy of STIP agreement. 1/6/03-Vought-No response received from Stipulation Agreement sent via certified mail 12/10/03 with due date of 1/5/04. STIP returned as unclaimed. Case referred to DEC Legal Rubinton for enforcement. 1/6/04-Vought-Spoke to Dr. Leonard Bley (718-627-0303) who is a tenant of building and resident of Apt #1 and has no affiliation with building owner and he said no vapor issues. 1/16/04-Vought-Received message from Hadassah Rothenberg. 1/27/04-Vought-Returned call to Hadasah and left message to return call to DEC. 2/26/04-Vought-Corrective Action Plan dated 2/12/04 dropped off at DEC offices by Russel Furia. Review by Vought: CAP prepared by Zytel PC 265 Indian Head Road Kings Park, NY 11754 (631) 544-0092 Site was formerly utilized as a gasoline retail establishment and automobile service repair shop. Two (4000-gallon) gasoline USTs and one (550-gallon) waste oil UST were removed, site leveled and replaced by a modern 5-story apartment building with medical offices on the ground floors and eight apartments above. Phase II Site Assessment performed in March 2000 consisting of twelve soil borings to 12' in depth and collecting two soil samples from each. Soil analyticals show no TAGM 4046 Cleanup Objectives but samples not analyzed for MTBE. CAP proposes installation of two monitoring wells, soil borings in the basement of the building, geophysics and/or geophysical type data, well sampling and analysis, environmental sampling (air quality), QA/QC protocols, health and safety, phase II report, qualitative health exposure assessment. Groundwater at a depth of 30'. Phase I report included in appendix states groundwater monitoring wells have been observed and the adjacent/surrounding properties consist of commercial building abutting the property from the west, a large six story high residential building abutting the property from the north. From the east and south the property is surrounded by Kings Highway and Ocean Parkway service road. Across from the property over Kings Highway roadway is another six story residential building. NYSDEC will require the following upon signing of Stipulation: 1) MTBE analysis on all future soil and groundwater samples NYSDEC 2) approval of CAP plan for installation of two wells, basement borings, geophysics and geophysical type data, well sampling and analysis, environmental

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sampling(air quality sampling), QAQC protocols, health and safety, phase II report, qualitative health exposure assessment 4)former tank, dispenser, fill port, current building locations placed on current site plan 5)surrounding area site plan 6)additional installation of one monitoring well to determine groundwater flow.

2/27/04-Vought-Pre hearing conference with DEC legal Rubinton. Meeting resulted in Vought issuing another STIP and sending it to below address as per Russel Furia. STIP to include clause regarding updating owner info and mailing info of PBS registration as per DEC Rubinton. Mr. Gene Kiselman Ocean Parkway Development 216 E49th Street New York, NY 10017 Vought sent STIP with requirements of 1)submission of tank closure report and if one not available corrective action plan including the complete delineation of soil and groundwater contamination on 2/27/04. Stip due back to DEC by 3/19/04. 4/9/04-Vought-Stip not received as of yet. Called Russell Furia for STIP status and if DEC has not received signed STIP by 4/16/04 it will be referred back to DEC legal. 4/20/04-Vought-Stipulation received and implemented by DEC Kunkel. Vought called Furia to repeat requirements as per CAP. Vought faxed Furia copy of Stip and CAP and mailed copy of STIP to Ocean Parkway Development. 5/13/04-Vought-Called and left message with Furia requesting site status and no answer at office or cell number with no answering service. 6/10/04-Vought-Called zytel PC to remind them on 6/20/04 CAP submittal deadline date and left message regarding same. 6/14/04-Vought-Received message from Furia (516-319-7094). Vought returned call and he has not received payment as of yet and he will contact owners. 6/22/04-Vought-Received Phase II Subsurface Investigative Report/Corrective Action Plan from Zytel PC. 8/2/04-Vought-Spoke with Alex Gurivich and certificant of occupancy has expired. Alex requested review of investigation plan and letter be sent regarding approval of Temporary certificant of occupancy. 8/12/04-Vought-Reviewed Phase II received on 6/22/04. Phase II referred to Phase I dated 3/7/00 included in Appendix E from CAP dated 2/12/04. Three USTs were removed from the site in 4/99. Twelve test holes were drilled to a depth of 12 feet each and two samples were collected from each (0-6 feet and 6-12 feet) . Report concluded NFA is deemed necessary . Soil analyticals show no TAGM 4046 Required Soil Cleanup Objectives. Review of Phase II shows that two (4000-gallon) gasoline USTs and one (550-gallon) waste oil were removed from site. At present there exists a modern 5-story apartment building constructed of brick masonry . The ground floor of the building and the basement of the building has medical offices. There are apartments on floors 2 through 5 . Three wells were installed onsite, five test holes with soil gas samples were collected in the basement and seven ambient air samples were collected. Following the Limited Phase II Environmental Audit the site underwent an extensive excavation... This excavation removed soil down to approximately 3 feet above the zone of saturation. Consequently soil sampling was not necessary since the insitu soil had already been removed . Groundwater present at 24 feet below grade. Groundwater analyticals show 1310ppb benzene(MW1), 1680ppb toluene(MW1), 882ppb ethylbenzene(MW1), 1860ppb xylene(MW1), 204ppb TCE(MW1), 19.7ppb 1,3,5-trimethylbenzene(MW2) and 15.7ppb napthalene(MW2). Soil gas samples taken under foundation show up to 59ppb benzene, 360ppb toluene, 330ppb ethylbenzene and 12ppb MTBE. Air quality was within acceptable limits from samples taken above cement flooring. Air analyticals showed minor detections of toluene and xylene. Report recommends the installation of five additional monitoring wells, implementation of a passive intrinsic bioremediation system and

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monthly indoor air sampling. 8/14/04-Vought-Sent letter requiring
1)complete delineation of soil and groundwater contamination as per
CAP 2)submission of surrounding area property sketch 3)monthly indoor
air sampling as per NYSDOH guidance (copy sent with letter)
4)installation and operation of remediation system addressing all
contaminated media. Request for letter regarding temporary
certificate of occupancy denied due to high soil gas concentrations
underlying foundation and failure to adhere to CAP. Letter will be
considered upon the completion and operation of a remediation system.
11/2/04-Vought-Received message from Bob Brill that odors entering
building. Vought called Brill and spoke to receptionist who also
complained of odors. Site visit by Vought. Odors reported at Lasik
Eye Surgery Center in basement floor (Bob Brill 718-627-0303). No
odors on first floor of building. Odor immediately detected upon
entering reception area. PID reading of 5ppm in breathing space. One
open hole through basement concrete slab as part of possible previous
attempt at soil borings (four locations had been circular saw cut
through finished wood floor however only one location had penetration
through concrete slab). This one location located behind
receptionist desk and had PID reading of 643ppm. As per Dr. Brill
borings were performed around June by Russel Furia and odors were
first detected in June and has been sporadically worse and better.
Vought immediately called consultant (Furia) and required immediate
sealing of floor. Furia stated that he was no longer consultant
because owner Kiselman (845-270-3467 cell 3473862870) had not paid
bill but he would call Kiselman. Vought asked for Kiselmans phone but
was given that of Alex Gurrivich (attorney for owner 718-449-8300).
Vought called Gurrivich who said he would immediately contact
Kiselman. Vought notified NYCDOH Ray Nieves by leaving phone message.
Vought also notified ECO's and requestd an immediate officer. Vought
spoke to Gurrivich who stated Kiselman was on way to site with
contractors to fill holes. Kiselman arrived onsite and as per
Kiselman a vapor barrier was installed under building. Contactor
arrived onsite and Vought witnessed sealing of holes and took PID
readings after ventilation turned on full for approx 30 minutes. PID
readings of 2ppm found. ECO Read arrived onsite who also performed a
site visit and wrote an administrative ticket for unwholesome odors
and delivered ticket to offices of Gurrivich. 11/4/04-DEC 1)called
Ray Nieves (called and sent email of site visit notes from above) to
see if site visit was performed and notify him of lack of Certificate
of Occupancy 2)wrote and sent certified letter to Kiselman with
previous requirements of 8/14/04 letter to be completed by December
5, 2004 3)called Lasik to see if odors still present and Vought spoke
to Dr. Brill and odors are no longer present. Brill has not received
contact from NYCDOH as of yet. Brill requested copy of FOIL and
Vought faxed him application 4)spoke to DEC Oliva re Kiselmans
request for meeting at DEC and Oliva approved meeting and also
approved of 11/4/04 letter 5)called Kiselman re meeting and he agreed
to have Gurevich call Oliva to schedule meeting. 11/5/04-Vought-Email
from Paul Hatcher (Tyree). Tyree was contacted by Alex Gurevich and
Gene Kiselman to act as their environmental consultant. Tyree has
reviewed the reports and correspondence. Tyree requesting if
Department has reviewed the Investigation and Subsurface
Investigation Plan dated Feb 2004 and June 2004. Please let me know
if you had chance to look at and approve these reports . Received a
second email from Tyree that it does not appear that any of the work
outlined in the CAP has been completed and ...we will need to start
from the beginning and provide soil disposal documentation and an
Investigation Plan for existing contamination . We will be conducting

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and initial site investigation in the near future .

11/8/04-Vought-Rommel sent 11/4/04 requirements. 11/8/04-Rommel received email that Tyree is handling both 587 Kings Highway and 6501 Bay Parkway (see spill 9610335). 11/18/04-Vought-Sent copy of 8/14/04 letter to Hatcher. Vought spoke to Hatcher and indoor air sampling will be implemented, wells were sampled on 11/15/04. Once results are received a well installation proposal will be submitted.

11/30/04-Vought-Meeting with DEC Oliva, Rommel and Vought. Effective date of CAP is reset today so ISR due within 60 days (2/1/04).

12/14/04-Vought-Spoke with Chris Tomasello and he requested further information on spill. 1/26/05-Vought-Reviewed Investigation Plan received on 12/31/04 and dated 12/20/04. Proposal for the

1)installation of seven monitoring wells (five along sidewalk of Kings Highway, one in the sidewalk along Ocean Parkway and one in a courtyard in the adjacent building (if access is

granted))2)surrounding area site plan 3)delineation of soil contamination 4)Monthly indoor air sampling 5)installation and operation of a remedial system addressing all contaminated media.

Results of monthly air sampling will be included in each of the quarterly reports generated . Vought sent letter approving of

Investigation Plan but requiring that monthly indoor analyticals be submitted for review and possible forwarding to NYSDOH. NYSDOH Hughes, NYCDOH Nieves and Bob Brill cc'd on approval letter.

2/4/05-Vought-Received letter sent on 1/26/04 addressed to 216 East 49th Street returned as undeliverable. Vought called Kiselman for current address. Gene instructed to send it back to Janoff and Gurevich. Vought called Gurevich(212-829-9200) to confirm address and secretary added that address is: Alex Gurevich Janoff and Gurevich 216 East 49th Street 5th Floor New York, NY 10017 Vought reproduced 1/26/05 letter with date of 2/4/05 and sent and faxed to above address. 2/18/05-Vought-Received and reviewed indoor air analyticals.

Vought called NYSDOH Rafferty for standards of comparison and left message to return call. Vought received call from Healey to see if indoor analyticals were reviewed yet. Vought requested that another copy be sent. 3/4/05-Vought-Received and reviewed indoor analyticals for month of February with indoor air concentrations of BTEX above background levels. Called HYSDOH Rafferty for standards of comparison. Vought spoke with NYSDOH Mike Hughes who requested copy of indoor analyticals be sent. Vought emailed copy of indoor analyticals and spill report notes to NYSDOH Rafferty, NYCDOH Nieves for review. 3/10/05-Vought-Received email from Mike Hughes that indoor air analyticals were reviewed and the following was required:

1) the installation of an active sub-slab depressurization system and 2)collecting air samples is not necessary as long as petroleum odors are detected in the building. Vought spoke to DEC Tang and sent email to Hughes requesting requirements in letter format. Vought also copied Healey on email. 3/22/05-Vought-Called Mike Hughes for status of letter and he will contact NYCDOH for site visit. Upon conducting site visit Hughes will produce letter and sent to Kiselman.

3/28/05-Vought-Received draft letter from NYSDOH Hughes for review. Vought approved draft letter and letter will be finalized by NYSDOH upon review by NYCDOH. NYCDOH scheduling site visit on 3/31/05. Drilling scheduled for 2/29/05 and site visit will be performed by Vought on 3/30/05. 3/29/05-Vought-Called Brill and Kiselman and left message informing them of upcoming site visit on 3/30/05. Vought spoke to Kiselman and told him of site visit and NYCDOH's 3/31 inspection. Vought also gave Kiselman number for NYCDOH.

3/30/05-Vought-Site visit by DEC Vought and DEC Tang. Tyree onsite and 8 out of nine wells were installed. No free product detected in

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groundwater. Further delineation will be required west of MW7 and MW9. Air samples collected for the month of March. PID survey of building including former soil gas sampling locations, elevator shafts and 5th floor all show non-detect results. Tyree possibly will spray elevator shaft bottom with sealer to prevent further vapor intrusion. 4/5/05-Vought-Received email from NYSDOH Hughes that site visit by NYCDOH was completed and it appears their inspection did not reveal any problems. Is it reasonable that measures to seal penetrations in the basement may be sufficient to controlling sub surface vapor contamination? Vought called and spoke with Hughes who requested copy of March indoor analyticals and said that he is going to confer with NYSDOH McDonald to see if letter requiring sub-surface ventilation system is needed prior to obtaining 3/05 indoor analyticals. Vought sent email to Tyree and cc'd Hughes requesting copy of analyticals. 4/8/05-Vought-Received hard copy of indoor air analyticals. Vought sent request to Tyree (Healey) for email version to forward to NYSDOH. Reviewed indoor analyticals for month of March with indoor air concentrations of BTEX above background levels. 4/12/05-Vought-Received email copy of 3/05 indoor analyticals and forwarded to NYSDOH Hughes. Vought spoke with Hughes on 4/11/05 who requested copy of soil gas samples results from 8/04. Vought sent him hardcopy of results. 4/19/05-Vought-Received an email from Tyree Healey. I spoke with Mike Hughes about his concerns. He needed a copy of the map with the new sampling locations. We will also have to make an adjustment to the analysis method for the air sampling. Vought called Hughes for update and Hughes is formulating response of either additional sub slab soil gas sampling or recommending installation of a sub slab ventilation system based on indoor air sample exceedences. 4/26/05-Vought-Vought copied on email from NYSDOH Hughes to Tyree Healey dated 1/20/05. NYSDOH reviewed 2/05 and 3/05 Indoor analyticals and required the following info from Tyree: 1)Reason for difference in 2/05 and 3/05 sampling locations 2)are sampling locations in hallways or residences? 3)Reason why upper floors have higher BTEX as opposed to basement 4)Method of heating and cooling 5)HVAC details of building 6)presence of basement boiler room? 7)performance of a building questionnaire? 8)why was elevator shaft only a one time sample? 9)resampling of elevator shaft. Vought called Healey for status of delineation report and Department will receive report by 5/1/05. 5/16/05-Vought-Received indoor air analyticals for the month of April. Vought called Healey for: 1)status of delineation report. Delineation report delayed due to well survey and DEC will receive delineation report by 5/27. DEC will receive RAP by 6/16. Tyree spoke directly with NYSDOH and new map and sampling locations were sent to NYSDOH. No complaints received from building. Vought forwarded April indoor analyticals to NYSDOH Hughes. 5/17/05-Vought-Received email from NYSDOH Hughes. We now have data indicating that petroleum related compounds are present in the building at levels elevated above background and that building occupants continue to be exposed. Shawn Healey of Tyree did not address the comments and advice I provided in my April 20, 2005 note. Vought spoke with DEC Tang who required that Tyree respond to DOH's requirements in writing. Vought called Tyree and spoke with Hatcher and Healey to request response in writing. Vought called Hughes and left message to return call. 5/19/05-Vought-Received fax copy of Tyree's response to NYSDOH's requirements. Requirements were addressed to Mike Hughes (NYSDOH). Vought received email from Hughes with response to Tyree's written letter. Hughes required 1)product inventory every time indoor air samples are collected 2)feasibility of collection of sub-slab samples 3)evaluation of HVAC system. Vought

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forwarded email to Tyree and required written response to be sent to NYSDOH with cc sent to DEC. 5/25/05-Vought-Received second written response from Tyree to NYSDOH Hughes requirements via 5/19/05 email. Response written to NYSDOH Hughes and copied to DEC. 5/25/05-Vought-Received email response from NYSDOH Hughes addressed to Tyree(Healey). NYSDOH requested addition of 2,2,4-trimethylpentane to analyte list. Otherwise, your plans for investigation and sampling are fine. Vought forwarded requirement to Tyree and required that they send written response to NYSDOH and cc DEC. 5/26/05-Vought-Received email copy of written response from Tyree to NYSDOH agreeing to additional sampling analytes. 6/2/05-Vought-Received soil gas sample results from under elevator shaft and forwarded onto NYSDOH for review. Received email from NYSDOH Hughes that he received analyticals from elevator shaft and that the results appear to confirm a sub-slab vapor source of gasoline. MYSDOH also required inquiry with lab as to whether they can include the additional aliphatic compounds in the NYSDOH air sampling guidance (2,2,4-trimethylpentane). 6/13/05-Vought-Received Subsurface Investigation Report on 6/7/05 from Tyree. Vought spoke to Paul Hatcher who said that plan for vapor mitigation scheduled to be received by 6/17/05. 6/15/05-Vought-Reviewed Subsurface Investigation Report (Tyree) dated April 2005 and received on 6/7/05. Residential properties to the north, south, east and west. Installation of six monitoring wells. Groundwater at 18' below grade. Wells installed in sidewalk of Kings Highway away from source zone (under building) and as such there are no TAGM 4046 Required Soil Cleanup Objectives. Groundwater analyticals show: 170ppb benzene(MW1), 347ppb toluene(MW1), 251ppb ethylbenzene(MW1), 914ppb xylene(MW1), 558ppb benzene(MW5), 161ppb toluene(MW5), 2510ppb ethylbenzene(MW5), 7330ppb xylene(MW5), 4660ppb toluene(MW7), 15550ppb ethylbenzene(MW7), 8590ppb xylene(MW7), 12ppb benzene(MW9), 14ppb toluene(MW9), 665ppb ethylbenzene(MW9), 142ppb xylene(MW9) and 79ppb MTBE(MW9). Vought called Tyree Healey to require: 1)surrounding area site plan 2)complete delineation (additional wells located downgradient from MW9 and MW7). Vought sent letter with requirements on 6/15/05. Vought spoke to Tyree and Mitigation Plan will be received by 6/24/05 due to delay in receiving cost approval from Kiselman. 6/22/05-Vought-Received letters from Tyree Org and Microecologies Inc. Letter from Microecologies dated 5/31/05: it can be concluded that the heating and air conditioning systems serving the medical offices in the basement and on the first floor serve only those floors and do not provide a significant means of conveyance of air from the basement and/or first floor into the residential areas of the building on the 2nd through 5th floors, the forced air heating and air conditioning systems serving each of the residential apartments are completely independent from one another, it is reasonable to conclude that this phenonemon (the stack effect) is contributing substantially to the presence of this discernable odors and measurable vapors. Letter from Tyree (Healey) to NYSDOH Hughes dated 6/15/05. Tyree proposes: 1)submittal of report compiled by Microecologies 2)installation of one soil vapor extraction well at the bottom of the main elevator shaft connected to a 1.5HP Blower located in hot box outside the building adjacent to the parking area. All vapors will pass through two 85-gallon carbon drums 3)continuation of monthly air sampling. Mr Hughes, if you have any questions please do not hesitate to call. I would appreciate an immediate response to this proposal. 6/23/05-Vought-Received message from NYSDOH Hughes that he does not favor installation of above proposed SVE system in elevator shaft. Vought returned call and left

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message to return call. 6/24/05-Vought-Received draft letter response from NYSDOH Hughes stating SVE systems are primarily used to remove soil contamination and the proposed design may not effectively prevent vapors from migrating into the building. Active sub-slab depressurization systems typically used for controlling radon vapor intrusion have been shown to be effective and should be considered for this project. Vought discussed letter with DEC Tang and a teleconference between DEC and NYSDOH is scheduled for 6/28 to discuss feasibility of substituting depressurization system with Dual Phase extraction system. 6/28/05-Vought-Conference call with NYSDOH and agreement reached to install dual phase extraction system provided that pressure field measurement wells are also installed. NYSDOH will redraft letter and send to DEC. 6/29/05-Vought-Called Shawn Healey and gave approval to begin installation of SVE well in bottom of elevator pit. PID/LEL measurement will be continuous during well installation, elevator pit will be sealed, 4 well will be installed, pipe will be connected to hotbox and blower outside building which will be connected to effluent pipe above building roof. 6/30/05-Vought-Received draft NYSDOH letter, reviewed and approved with DEC Tang. DEC will draft letter to go with NYSDOH letter with additional requirements of 1)submission of foundation plans 2)continuation of monthly indoor air sampling 3)installation and submittal of plan with pressure field extension wells 4)sampling of SVE effluent. 7/6/05-Vought-Received indoor analyticals for the month of June and forwarded to NYSDOH Hughes. Vought called Hughes for status of signed NYSDOH letter and he sent in letter on 7/5/05. 7/8/05-Vought-Received signed original copy of NYSDOH letter for attachment to DEC Letter. Received approval of NYSDOH Hughes of NYSDOH letter with above requirements from 6/30/05. Vought called Healey and faxed him letters and sent originals to Kiselman. 7/11/05-Vought-Received message from Tyree Healey. Vought returned call and left message. 7/13/05-Vought-Received message from DEC Tang that he received call from a Dr. Smore who was resident at 587 Kings Highway (phone number unknown). Vought called Lasik Eye Surgery Center and no Dr. Smore worked there. Vought called information and no Dr. Smore worked there. FOIL has no information on spill either. Vought called Bob Brill and left message to return call to see if he knows Dr. Smore. Brill returned call and said a Dr. Small lived in building. Vought called information for a Dr. Small (718-382-0149). Vought called Small and gasoline odors detected previously. Vought explained installation of vapor mitigation system and dual phase recovery system. Dr. Small inquired about health effects and Vought referred him to NYSDOH Hughes and NYSDOH Nieves. 7/14/05-Vought-Conference call with NYSDOH Hughes, Hatcher and Healey. Well was installed and sealed in bottom of elevator pit. Piping is in place and no holes to subsurface present. Remaining work to be performed is electrical hookup. System scheduled to be running by middle of next week. NYSDOH Hughes suggested that a PID Survey be performed tomorrow afternoon by Tyree and Tyree agreed to perform survey. Hughes suggested that SUMA sample be obtained if odors persist after mitigation system operation. Vought spoke to Healey and PID sample will be taken at 12pm. 7/15/05-Vought-Received call from Tyree(Healey) that vapor mitigation system began operation and influent/effluent samples will be taken. 7/22/05-Vought-Received message from Tyree (Healey) that mitigation system is operational. Vought returned call and left message to return call to DEC. 7/25/05-Vought-Called Tyree(Healey) for 1)date of next collection of indoor air samples 2)date of submittal of Vapor mitigation plan with requirements from 6/30/05. Indoor air samples are scheduled to be

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collected 7/28, weekly site visits and weekly SVE sampling is being performed. DEC will receive Vapor Mitigation OM&M plan by 8/22. 7/27/05-Vought-Received message from Shawn Healey that carbon for SVE has been spent and will be replaced ASAP. 8/8/05-Vought-Called Shawn Healey for update on site and left message to return call. 8/9/05-Vought-Spill transferred to DEC Sun as per DEC Tang. 8/24/05-Sun-On 8/23/05, the Department received from Tyree the laboratory results of indoor air samples for the month of July and Vapor Mitigation OM&M Plan. The analytical results of indoor air samples were also forwarded to NYSDOH by Tyree for review. (Sun) 10/26/05-Sun-The monthly air sampling was performed on 9/27/05. On 10/24/05, the Department received an updated Investigation Plan to investigation the off-site contamination. Review of this plan is pending. On 10/24/05, the Department requested Tyree to investigate a deodorant/cleaning agent stored in the building and used by the building for cleaning and mopping the floor. This cleaner is suspected for sweet chemical odors reported by a resident (Dr. Small) in the Apartment Building.(Sun) 11/01/05-Sun: The monthly air sampling was performed on 10/31/05. On 11/1/05, the Department received an email from NYSDOH stating that BTEX compounds from 9/27/05 samples are again present but at levels lower than in previous round. The Department is still waiting to receive product inventories in the building and material safety data sheets (MSDS) for cherry deodorant and cleaner. The Department is now planning a meeting on 11/14/05 with Tyree, NYSDOH and Responsible Party's Attorney to discuss the current project status, assess indoor sampling results and determine if other remedial measures can be used to determine and mitigate the subsurface gasoline contamination. (Sun) 11/2/05-Sun: The Department called Dr. Small, a resident of 587 Kings Highway, explaining to him about the current status of site remedial actions taken by the Department, including monthly air sampling from the each level of the building, including one sample from his apartment performed on 10/31/05. The Department also informed him that a strong chemical odor was detected from a cherry cleaner/deodorant on the first floor under the stairway where the product was stored during a joint inspection by DEC, NYCDOH and Tyree. Tyree was asked several months ago to complete a inventory survey of products. The Department informed Dr. Small that a project meeting with Tyree, RP (Gene Kisselman), and NYSDOH is now planned for 11/14/05 to discuss the current project status, assess indoor sampling results and determine if other remedial measures can be used to determine and mitigate the subsurface gasoline contamination. (Sun) 11/14/05-Sun: The Department received the inventory survey on 11/03/05, Goundwater analytical results on 11/09, vacuum test results on 11/09/05 and MSDS of cherry cleaner/deodorant on 11/10/05. (Sun) 11/23/05-Sun: The Department received the following email from Shawn Healey of Tyree on 11/23/05: On November 20th, 2005 Tyree attempted to install two temporary vacuum monitoring points in two of the elevator shafts at 587 Kings Highway. Due to unsafe working conditions in the elevator shafts the points were not installed.

Tyree did install one temporary monitoring point in the electrical room of the basement at 587 Kings Highway. The electrical room is approximately 15' away from the south west elevator. Tyree cored through 24 inches of concrete and installed one point 3 inches below the slab. Vacuum readings were also taken on all existing monitoring wells. Please view the attached map. Tyree will again attempt to install two vacuum monitoring points in the basement. The concrete slab is thinner in other parts of basement, which will allow the vacuum monitoring point to be installed further below the slab. NYS

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DEC and DOH will be notified prior to start of work. Work must be approved and scheduled with the owner of the basement. (Sun) 11/23/05-Sun: Sun sent an email to Shawn Healy of Tyree on 11/23/05 requesting that Tyree email to DEC and NYSDOH the results of indoor air samples collected on 10/31/05, including the samples taken from Dr. Small's apartment. (Sun) 12/01/05-Sun: Dr. Small called Joe Sun inquiring about the indoor air quality of his building. I informed him that per Tyree the analytical results of indoor air samples taken on 10/31/05 is currently held up by the Laboratory since Tyree has not paid to the Laboratory. Sun will call Tyree again to find out the status of the payment issue and will call back Dr. Small on 12/02/05. (Sun) 12/02/05-Sun: Sun received the following email from Shawn Healy of Tyree on 12/01/05: Tyree will again attempt to install two vacuum monitoring points on Sunday, December 18th, 2005. One monitoring point will be installed on the bottom of the elevator shaft in the east corner of the building. The other will be installed on the bottom of the elevator shaft in the southwest corner of the building. A representative from the owner of the building will be in the building while the work is conducted. As previously requested by the owner, the work must be completed on Sunday. Tyree will also collect vacuum readings from all of the existing monitoring wells on Sunday, December 18th, 2005. (Sun) 12/02/05-Sun: Sun sent the following email to Shawn Healy of Tyree on 12/02: DEC and DOH are still waiting to receive the analytical results of indoor air samples taken on 10/31/05. Dr. Small already called me twice in one week inquiring about the indoor air quality. You must email to DEC and DOH the results without further delay. (Sun) 12/02/05-Sun: Sun called Dr. Small on 12/02/05 informing that based on 12/02/05 phone conversation between Sun of DEC and Paul Hatcher of Tyree that Tyree already cleared up the payment issue with their Laboratory and the Lab will release the analytical results of indoor air samples to Tyree today. Tyree will email the results to DEC and DOH today (12/02/05). (Sun) 12/12/05-Sun: Sun received the following email from Shawn of Tyree for his response to DOH's comments dated 12/07/05: 1) What/where are the two outdoor ambient samples, S-11 vs S-13? Please review the attached map. Two samples collected outside the building. Samples were collected to help determine if there is any influence from outdoor activities on the indoor air quality. 2) What does ambient-system (S-12) represent? Is it the post carbon effluent? Please review the attached map. No, this is not an Influent nor an Effluent system sample. This sample was collected outside the building immediately next to the system. An Influent system sample will be collected on the next sampling round. The next 8-hr air sampling event is scheduled for Wednesday, December 14th 2005. Samples to be collected on December 14th, 2005: 1) Influent System Sample 2) Ambient Sample - outside of building Basement Area/Dr's Office: 3) Waiting Area 4) Office 5) Room 3 6) Bathroom Residential Area: 7) First Floor Lobby 8) Second Floor Lobby 9) Third Floor Lobby 10) Fourth Floor Lobby 11) Fifth Floor Lobby 3) Do we have any samples representing the vapor contamination under the building? Yes, a soil gas sample was collected from under the slab of the building in the elevator shaft prior to system installation. Please review the attached lab data. 4) The basement level Room 3, bathroom and 2nd floor common area show an impact from what looks like gasoline (MTBE, hexane, xylene, 2, 2,4-tmp). I assume from the sub-surface source, but it is not clear why the other basement and condo areas are so different. Do the basement bathroom and room 3 have floor penetrations? Is there some preferential path from the basement area to the 2nd floor? The source of the impacts in Room 3 and Bathroom of

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the basement is unclear. It is necessary to review the next round of air samples to verify these impacts are not an anomaly. The 2nd floor lobby/common area indicated a decrease in petroleum related compounds after the system was installed. The latest round does indicate an increase of petroleum related compounds. Again, it is necessary to review the next round of air samples to verify for an anomaly. There are no apparent floor penetrations in Room 3 or the Bathroom. Please refer to the attached map for the exact sampling locations. 5) How will Dr. Small's data be provided to him? Do you need us (DOH) to send a letter with interpretation. Please refer to Joe Sun's email dated 12/7/05. 6) For any future air samples, please update the attached tables using the mcg/m3 data for the appropriate location. As requested, the tables will be updated after each sampling round. (Sun) 12/15/05: Sun received an email from Tyree the inventory report completed for the December 14, 2005 Air Samples. Tyree was not able to collect a sample in Dr Smalls apartment. He was not at home at the time, and Tyree was told by neighbors that he has gone to Florida. Also attached are photos relating to the inventory, pictures of the sampling locations in the basement, and an updated map of the basement. (Sun) 12/16/05: On 12/16/05, Sun sent an email to Shawn Healey of Tyree approving their Updated Subsurface Investigation Report dated November 2005. The contamination has been delineated to the extent possible. The Department requires a Remedial Action Plan be submitted by February 16, 2006 for review and approval. (Sun) 01/03/06: Sun received by email the analytical results for the soil samples collected in the secondary elevator shafts. These samples were collected while installing the vacuum monitoring points on 12/18/05. (Sun) 02/07/06: Sun received by email the analytical results for air samples collected on 01/19/06. A conference call is scheduled for 02/10/06 with NYSDOH and Tyree. (Sun) 02/09/06: Sun received a phone call from Joe Azizian (Phoner # 718-336-4604), a resident who lives on the 5th floor of 587 Kings Highway. Mr. Azizian said that he and his wife want to know if it was safe to live in the apartment before the blower was installed last year for venting the sub-slab contaminated soil vapor. I told him to call Mike Hughes of NYSDOH for any health related issues. (Sun) 02/10/06: A conference call was held on 02/10/06 between DEC (Koon Tang and Joe Sun) and NYSDOH (Gerry McDonald and Mike Hughes) and Tyree (Shawn Healey and Paul Hatcher) and Attorney for the Building Management (Alex Gurevich) to discuss the status of indoor air quality. Based on the analytical results of monthly indoor air samples taken from the last six months, it was agreed that the following course of action will be taken: 1) one more confirmatory round of routine sweep of air sampling to be taken in June 2006 and one final round of air sampling will be taken before the system is to be shut down when the contaminated media are fully cleaned up to the level that the spill can be closed, 2) In case that there is a complaint from the residents, Tyree will perform the air sampling only in this area where the odor is detected, 3) If the residents want to know the results of air samples, they can obtain this information from DEC through formal FOIL request, 4) NYSDOH will prepare a Factsheet for indoor air samples and will send it to DEC and Tyree for comments before releasing to the building residents, and 5) Tyree will prepare a separate document to supplement the RAP for the actions to be taken based on the agreement reached from this conference call. (Sun) 02/21/06: Sun sent an email to Shawn Healey of Tyree, reminding him that the Remedial Action Plan (RAP) which is due 2/16/06 is now overdue. He must submit the RAP immediately without further delay. (Sun) 03/14/06: Sun reviewed the January 2006 Site Status and

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Remedial Action Plan (RAP) submitted by Tyree on 02/27/06. The Department conceptually approves the plan to install an SVE/AS system to address the on-site source area soil contamination and high levels of dissolved BTEX compounds. The Department also approves a combination of ORC injections and monitored natural attenuation (MNA) for off-site remediation to address the downgradient portion of the groundwater plume. However, the results of the pilot tests and details of the system design must be submitted and approved by the Department before installation. As per Sun's conversation with Tyree dated 03/01/06, Tyree will complete the following tasks: 1. Complete the pilot tests by April 7, 2006. 2. Complete the system design by May 10, 2006. 3. Complete the equipment procurement by July 10, 2006. 4. Start the system by August 10, 2006. The Department requires that the above schedule must be fully complied without any delay. (Sun) 06/15/06-Sun: Tyree collected a confirmatory round of indoor air samples on June 1st. The samples will be collected in the same manner as the previous rounds. The Department requires that the system be ready for start-up by 8/31/06. (Sun) 09/01/06-The Department received a Remedial Action Plan (RAP) from Tyree on 08/25/06. (Sun) 09/15/06-Sun: On 09/14/06, the Department approves the proposed SVE/AS system with the following conditions: 1. Installation of four (4) New SVE Wells: Existing Monitoring Wells, MW-1, MW-5 and MW-7 are 2-inch wells and should continue to function as monitoring wells, not be used as SVE wells. Existing monitoring well MW-12 is a 4-inch well and, thus can be converted to a SVE wells. In addition to one proposed 4-inch SVE well (PSVE), three new 4-inch SVE wells should be installed adjacent to existing MW-1, -5 and -7. 2. Soil Vapor Extraction System (SVES) Data Sheet shall be completed and submitted to the Department by November 14, 2006 for review. The Blank SVES Sheets are attached here for your reference. 3. Installation of Effluent Vapor Treatment Unit: SVE/AS system schematic shown on Figure 7 does not show any treatment for the vapor discharge. An activated carbon unit to treat effluent vapors must be included in the design. Figure 7 should be revised and submitted to the Department for review and approval. 4. System Operation, Monitoring and Maintenance Plan (OMMP) including sampling of System Influent and Effluents: The OMMP shall describe and tabulate the operation, maintenance and monitoring schedule (Frequency) for system equipment and their performance, influent and effluent air emission, all monitoring wells and indoor air samples. As required in the Corrective Action Plan, the OMMP shall be prepared in accordance with DER-10 Technical Guidance for Site Investigation and Remediation drafted 12/25/02, available on the Department's website: www.dec.state.ny.us. 5. Monitoring of Indoor Air Samples: For confirmation of no vapor intrusion into the building, the Department requires that indoor air samples be collected weekly in the Lasik Building and adjacent building near MW-12 for the first month when the new SVE/AS system is operational to monitor potential petroleum vapor levels in the buildings. The analytical results of the indoor air samples must be submitted to the Department for review and approval. Collection of air samples can be changed to bi-weekly the second month and then monthly. Per Corrective Action Plan (RAP) attached to the Stipulation Agreement, within 45 days of the Department's approval of the RAP, Respondent shall implement the approved RAP. The RAP must be implemented no later than October 30, 2006. (Sun) 10/24/06-Sun: The Department provided comments to NYSDOH about the Fact Sheet for this site. Mike Hughes of NYSDOH informed the Department that he is moving this draft fact sheet internally for final release. (Sun) 11/13/06-Sun: Sun called Shawn Healey of Tyree

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informing him that implementation of SVE/As System has passed the due date of 10/30/06. The Department requires an immediate response on the status of the remediation action schedule. (Sun) 11/14/06-Sun: Per conversation between Joe Sun of DEC and Shawn Headley and Paul Hatcher of Tyree, Tyree will complete the installation of SVE/AS system by Mid December, 2006. (Sun) 11/29/06-Sun: Mike Hughes of NYSDOH sent to DEC a final version of the Factsheet for 587 Kings Highway. It has their internal approval. (Sun) 12/20/06-Sun: On 12/20/06, the Department approves the Revised Remedial Action Plan, submitted by Tyree, dated 12/06/06 based on significant reduction in concentrations in groundwater samples of the last two quarters. Tyree's Revised Remedial Action Plan includes the following: 1) Immediately move forward with the ORC injection plan outlined in the approved RAP with additional four injection points immediately north, upgradient of the building, 2) Connect wells MW-1 and MW-5 to the current SVE system operating onsite, 3) Sample all monitoring wells onsite on a monthly basis for six months and collect dissolved oxygen readings during all sampling rounds, 4) At the end of the six-month period, proceed with another injection or continue to sample on a monthly basis, and 5) If the injections and enhanced SVE system prove to be ineffective, Tyree will move forward with the AS/SVE system installation and indoor air sampling as outlined in the approved RAP. The Department requires five days advanced notice of any remedial work at the site. The RAP must be implemented no later than February 5, 2007. (Sun) 01/15/07-Sun: Shawn Healey of Tyree informed DEC that the SVE upgrade by adding MW-1 and MW-5 to the current SVE system is complete. He will be in contact with DEC about the ORC injection schedule. (Sun) 01/17/07: In response to Mike Hughes' question about the Factsheet, Sun sent the following email to him: Mike, I had not sent the factsheet to the residents of the building for two reasons: one is due to significant reduction in concentrations in groundwater samples of the last two quarters, Tyree proposed to change the original SVE/AS system to a system by connecting to wells to the current SVE system operating onsite. The addition of the two wells will expand the area of influence of the current system. The greater influence will enhance the reduction of source concentrations in the soil under the building. Tyree will immediately move forward with the ORC injection plan with four additional injection points. If the injections and enhanced SVE system prove to be ineffective, Tyree will move forward with the original SVE/AS system installation and indoor air sampling as outline in the approved RAP. DEC approved the above revision on December 20, 2006. Since the factsheet under two

headings What are the next steps and How can I be sure that the building indoor air is not affected in the future? , mentions that Tyree will be installing a combined SVE and AS system, a revised factsheet may be required to reflect the changes as described above. The second reason is that DEC has not received the contact list of the resident of the building from Tyree. Tyree mentioned that some residents were reluctant to give their names. But, I think we can get this around by mailing the factsheet to the Resident of their addresses. Shawn, Can you check if you sent the reports and air sampling results to Dr. Small? If you had not done so, please send him a copy ASAP. Thanks. (Sun) 01/18/07-Sun sent the following email to Mike Hughes of NYSDOH and Shawn Healey of Tyree: I checked our FOIL Department and our record shows that Dr. Small made a written FOIL request to DEC on July 12, 2005. About five (5) inch file was copied on CD and mailed to him on July 29, 2005. So, he had our report for this site. In addition to the above report, I will ask Shawn to send Dr. Small a summary of all the results from the

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building and a copy of the lab results from his apartment. Shawn, Please send Dr. Small a summary of all the results from the building and a copy of the lab results from his apartment ASAP. Please also send an email to Mike with an attachment of the revised remedial action plan. Mike, I will make the necessary edits of the factsheet so it accurately reflects the proposed remediation and email to you for comments. (Sun) 01/19/07: Sun received the following email from Shawn Healey: The information will be sent to Dr Small today via Fedex, for a Monday delivery. Dr Small called me yesterday, and asked about the construction going on outside the building last week. I explained that the existing system was being upgraded and that the work being done was included in our remediation plan. I also explained that the NYSDEC reviewed and approved the plan. He also asked if we are still collecting air samples inside the building. I explained that after review by NYSDOH and NYSDEC, the indoor air levels appeared to be within background levels and sampling had stopped for now. He seemed satisfied with the information I provided, and I told him to call with any questions. (Sun) 01/22/07: Shawn Healey of Tyree informed DEC that he had sent June 2006 Air sampling Summary including the sample collected from Dr. Small's apartment to Dr. Small. (Sun) 01/23/07: ORC injection was performed by Tyree on 01/23/07 through 01/25/07. (Sun) 01/29/07: Sun received the following email from Mike Hughes of NYSDOH: Chris and I had a phone conference with Dr. Small on Friday to discuss the air sample results he received. Dr. Small had a number of questions, but his biggest concern was whether or not he or his neighbors are being exposed to chemicals in their homes. Without reiterating all of the details, we did our best to differentiate between petroleum (gasoline) versus non-petroleum, explained background levels and how his results compared, and the comparison to occupational standards (OSHA PEL). I ended emailing him a summary table of his results with background comparison and a link to our background study. Chris offered to send Dr. Small a letter that provides a risk assessment based upon the values detected in the building. In the end, Dr. Small's issues are: he reports that he still can smell vapors that he believes are organic in nature how we can be sure that he and his neighbors are not being exposed he is the building residents spokesperson/representative and needs to advocate for their best interests how this will affect their property value and what will be done about the certificate of occupancy issue from NYC I don't recall if there was any plan to collect additional indoor air samples, but both Chris and I believe that another set of air samples may be beneficial, particularly to address any continued odors and verify that the system(s) are working effectively. I suspect that the intermittent odors Dr. Small reports are from the Lasik Eye office in the basement. Shawn/Joe can you discuss with the building owner about collecting additional samples. I don't think all of the samples collected in the basement are necessary, but samples from the common areas of the residential floors, Dr. Small's apartment, outdoor, SVE effluent and elevator shaft, if possible, should be collected. (Sun) 01/30/07: Shawn Healey of Tyree informed DEC that they will receive the summa canisters on Friday (2/2/07). They can do the indoor air sampling on Monday (2/5/07). He suggests possibly having a representative from at least one of the agencies involved to witness the sampling. (Sun) 2/2/07: Shawn Healey of Tyree informed DEC that he did speak with Dr. Small this morning. Dr. Small will be available on Monday so they can set up the summa canister in his apartment. (Sun) 2/5/07: Indoor air samples were taken on 02/05/07 by Tyree. (Sun) 02/09/07: Shawn Healey of Tyree informed DEC that they are

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installing a new blower at 587 Kings Highway next week. The system is currently running, but we wanted to upgrade. Attached are the specs for the new blower. (Sun) 02/15/07: Shawn Healey sent the following email to Joe Sun: Joe, NYCDEP would like a meeting onsite to review the project's history. Would you be available for a meeting onsite on March 2nd at 10AM. We submitted a request for a No Objection from the NYCDEP letter to receive the permanent CO. It appears that NYCDEP may need assurances from the NYSDEC and NYSDOH that the contamination is monitored correctly. (Sun) 03/07/07: The on-site meeting between DEC, Tyree and NYCDEP is scheduled for March 12, 2007. (Sun) 03/19/07: A meeting was held on-site on 3/12/07 involving DER staff (Joe Sun and Vadim Brevdo), NYCDEP representatives (Daniel Cole) and Tyree (Shawn Healey and Paul Hatcher) to review the project's history. The meeting concluded that NYCDEP staff will need to consult with their attorney if a Restriction Declaration (equivalent of a deed restriction) should be signed between NYCDEP and apartment owners since this is a E-designated site which requires a comprehensive review by NYCDEP before a Notice of No Objection letter can be issued from NYCDEP to NYCDOB. (Sun) 03/27/07-Sun: A conference call was held on 03/27/07 involving NYSDOH (Mike Hughes), NYSDEC (Joe Sun and Vadim Brevdo) and Tyree (Shawn Healey and Paul Hatcher) to discuss the project status, including the Factsheet drafted by NYSDOH. After incorporating all the comments from NYSDEC and Tyree, a final version of Factsheet was issued by NYSDOH on 03/27/07 and will be distributed to the building residents. (Sun) 03/27/07-Sun: A Risk Assessment letter was prepared by NYCDOH (Christopher D'Andrea) to Dr. Small, a resident in the building. The letter is an evaluation of the possible health issues associated with vapors from spill. The letter was reviewed by NYSDOH and NYSDEC. The letter will be sent to Dr. Small by 03/28/07. (Sun) 04/27/07-Sun: Sun received the following email from Mike Hughes of NYSDOH: Gentlemen, Mr. Ilya Minkin, the President of the apartment owner's association for 587 Kings Highway, contacted me asking for assistance to address his and the resident's concerns about the continued operation of the existing remedial system. Apparently the operation of the system has created a very large financial burden on the resident's as there is not a separate meter for its operation. Mr. Minkin contends that reimbursements for electrical costs are very lax from the developer. Secondly, the residents have not been provided with a CO, which they believe is because of the on-going remedial efforts. How long is the treatment system expected to operate? and Do any of you know who at Dept. of Buildings or DEP can be contacted by Mr. Minkin to address his concerns about getting CO's for the building? (Sun) 04/30/07-Sun: Sun sent the following email to M. Hughes (NYSDOH), Shawn Headly (Tyree) and Alex Gurevich, Esq. (Attorney for the Developer, Gene Kiselman), Mike, As Shawn already indicated in his email last Friday that the most recent influent system samples still indicate high levels of VOCs. DEC requires that the treatment system will continue to operate until the influent levels of VOCs consistently meet NYS state criteria for soil vapor or reach to a point where the collection of VOCs approaches to an asymptotic level. If the collection of VOCs reaches an asymptotic level which turns out to be too high to be acceptable for termination of the system operation, some additional measures may be required to keep the VOCs from entering indoor air. The treatment system can not be shutdown until it is reviewed and approved by DEC and DOH in writing. Shawn, From my conversation today with you, it is my understanding that the power to run the treatment system is drawn from the source for common areas such as hallway, stairway and elevators. I think the better way to separate the power consumption

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for the treatment system from these common areas is to have a dedicated meter to record the power consumption for the treatment system. This way, the residents know how much they can get reimbursement for electrical costs from the Responsible Party (Mr. Gene Kiselman). But, you also mentioned that there may be an agreement between the apartment owner's association (board) and Mr. Kiselman for the reimbursement for electrical costs. Please note that the reimbursement for electrical costs should be prompt. Mr. Gurevich, As you can see from Mike Hughes's email below, the apartment owner's association had a complaint that reimbursements for electrical costs are very lax from the developer. Would you bring this to Mr. Kiselman's attention and address this issue. We believe that it is the site developer who is responsible for the electrical costs of operating the system, unless there is some specific agreement which makes residents responsible for costs. (Sun) 08/30/07-Sun: On 08/30/07, Sun sent the following email to Shawn Healey of Tyree, Shawn, As I indicated in our conversation today that based on the Groundwater Monitoring Reports, dated 2/28/07, 4/13/07, 6/28/07 and 8/9/07 since ORC Injection was performed on January 22, 2007, the BTEX concentrations in well W-1, W-5 W-7, W-9 and W-12 have increased significantly. This shows that the ORC injection is ineffective. DEC is now requesting that Tyree submit other alternative remedial action plan by September 13, 2007 for DEC's review. As a reminder, please submit all the reports in hard copy as well as CD in pdf form. I had not received CDs for the last four Quarterly Groundwater Reports. You can email me with attachments in pdf for the last four GW monitoring reports. (Sun) 10/17/07-Sun: In response to DEC's letter dated 8/30/07 requesting an alternative RAP, My. Robert Ott of Tyree submitted a Chemical Oxidation Work Plan on 10/17/07. (Sun) 10/22/07-Sun sent DEC's comments on Tyree's Chemical Oxidation Work Plan on 10/22/07. (Sun) 10/25/07- DEC received an email from Robert Ott of Tyree, informing DEC that floating products were detected in MW-1 and MW-2 today during their routine monitoring and bailing at the site. Tyree will dispatch a VAC truck to the site tomorrow (10/26/07). (Sun) 10/26/07-Sun: Sun conducted a site visit to observe the circumstances in the field and met with Robert Ott of Tyree and his technicians. Tyree used vac truck to pump out the floating products in MW-1 and MW-2. Per Robert Ott, Tyree already took some floating product samples yesterday from MW-1 and MW-2 for product analyses and identification. Sun told Mr. Ott that Tyree should conduct product recovery events on a weekly schedule until a permanent remedial solution is implemented. (Sun) 10/29/07-Sun: On 10/26/07, DEC approved Tyree's chemical oxidation work plan dated 10/17/07 with the following conditions: 1)The permanent monitoring wells should be developed and sampled to determine baseline groundwater quality conditions prior to implementing the Chem-Ox injections; 2)If follow-up groundwater monitoring indicates that the Chem-Ox and ORCA are not effectively reducing contaminant concentrations, an alternative remedial approach must be developed. (Sun) 10/29/07-Sun: Sun informed Mike Hughes of NYSDOH about DEC's approval of chemical oxidation work plan prepared by Tyree, dated 10/17/07 and floating products found in well MW-1 and MW-2 during Tyree's routing monitoring and bailing event on 10/24/07. Sun also asked Mike Hughes's opinion on indoor air sampling. (sun) 11/5/07-Sun: Robert Ott of Tyree informed Joe Sun of DEC by email that Tyree will be performing baseline soil sampling at the Lasik Center Site, along the north side of Kings Highway. Driller will be performing this work on November 6, 2007, beginning at 8:00 am. Attached is map depicting locations and depth etc (see eDOC). Sun

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replied that Tyree can proceed the above work. (Sun) 03/10/08-Sun: Sun received the quarterly monitoring report dated February 2008. The report shows that MW-1 had 0.38 feet of free product. Total BTEX ranged from Non-detected to 5,151 ppb and MTBE ranged from Non detected to 1.84 ppb. (Sun) 05/20/08-Sun: Sun sent the following email to Robert Ott of Tyree: Hi Robert, According your last quarterly monitoring report dated February 2008, Tyree took baseline soil boring samples on 11/27/2007. Chemical Injection was completed on 1/30/2008. Based on the approved Chemical Oxidation Work Plan, Tyree is required to submit the quarterly report for field data (pH, DO, ORP, Temperature & conductivity), Contaminants of Concern(COC) per EPA 8260 and Dissolved Iron. Please let me know when the next quarterly monitoring report can be submitted to DEC for review. Your immediate response is urgently requested. (Sun) 05/20/08-Sun: Sun called Robert Ott of Tyree about the status of the project and he informed Joe Sun that Tyree has not been authorized by the RP's Attorney (Mr. Alex Gurevich) to perform any future work for the subject site. (Sun) 05/22/08-Sun: Sun received a call from Robert Ott of Tyree, informing DEC the following: 1. Tyree sampled the groundwater on March 4, 2008. 2. Tyree sampled the influent and effluent of air samples from SVE system on February 7, 2008. The SVE system is still operating on-site and a spare carbon unit is ready on-site for replacement if they need to replace the spent one. Sun asked him to send the electronic copy of the last report, dated February 2008 to DEC. He stated that they are not authorized to do any work for this site. (Sun) 06/23/08-Sun: Sun sent a Notice of Violation of Stipulation Agreement to the Respondent (Gene Kiselman). The letter indicates that Quarterly monitoring reports were submitted by the Respondent as required under the Stipulation through January 2008 (although no air sampling data has been provided for January 2008). As of today, the Respondents have failed to submit subsequent monthly influent/effluent air sampling data and the required monthly and quarterly reports. In addition, pursuant to the approved Chemical Oxidation Work Plan for groundwater treatment, the Respondent is required to monitor groundwater for contaminants of concern on a quarterly basis and submit quarterly reports for review. Since January 2008, the Respondent has failed to submit quarterly groundwater monitoring reports. The Department requires that the Respondent submit all required reports by July 1, 2008, or he will be held in violation of the Stipulation. (Sun) 06/23/08-Sun: Sun sent a Notice of Violation to the Respondent (Gene Kiselman) for failure to comply with the Stipulation Agreement. Quarterly monitoring reports were submitted by the Respondent as required under the Stipulation through January 2008 (although no air sampling data has been provided for January 2008). As of today, the Respondents have failed to submit subsequent monthly influent/effluent air sampling data and the required monthly and quarterly reports. In addition, pursuant to the approved Chemical Oxidation Work Plan for groundwater treatment, the Respondent is required to monitor groundwater for contaminants of concern on a quarterly basis and submit quarterly reports for review. Since January 2008, the Respondent has failed to submit quarterly groundwater monitoring reports. The Department requires that the Respondent submit all required reports by July 1, 2008, or he will be held in violation of the Stipulation. The deadline has been extended to July 15, 2008 by DEC's Legal Council John Urda to Seth Friedlan. (Sun) 8/7/08 - Obligado - This spill has been transferred from Sun to Obligado as per directive from Brevdo. I called Chris Tomasello ASR who is new consultant for RP. They did effluent sampling in July and he will submit a report. 1/12/09 - Obligado - Sent letter to Mr.

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Kisselman requiring submission of missing O&M data, workplan for additional delineation, replacement of MW5 (dry), submission of hydrographs, survey and contour map, a new Remedial Action Work Plan as (the chemical work plan was apparently discontinued when Kisselman hired new consultant). 2/17/09 - Obligado - Meeting with ASR, Kisselman, and DEC. They will submit a workplan to do additional delineation. They will also restart the vent system which is not functional 3/4/09- Obligado - ASR submitted an extension request for 90 days for submission of the workplan based on current economic times. Sent email denying the request. 4/1/09 - Obligado - Email from Tomasello, the vent system has been repaired. According to Chris, they will submit a workplan. 6/2/09 - Obligado - Met Rich Levato on-site to look at potential well locations. MW5 was only 18 ft (gw at 19 ft), so this well must be reinstalled. There are two potential locations at north adjacent apartment building, and one potential downgradient location southwest of MW9. Rich will submit a workplan. Based on system effluent data, I asked Rich to sample all wells for PERC. 2 additional wells were found on-site. Rich will gauge and sample those as well. The SVE system was turned off. A rotator fan was installed instead to operate as a mitigation system and was operational. 8/18/09 - Obligado - Sent workplan disapproval letter with comments (in edocs). Required resubmittal within 30 days. 8/20/09 - Obligado - Delivery confirmation. 12/2/09 - Obligado - Revised Work Plan was not received. I sent a Notice of Violation letter to Mr. Kisselman requiring him to submit the revised work plan within 30 days or the case would be referred to Legal. 3/4/10 - Obligado - I called Mr. Kisselman to inquire about the overdue workplan and quarterly reports. I left a message to call back the DEC. 5/20/2010 - Obligado - Referred to Legal for enforcement 6/7/10 - Obligado - I called Mr. Kisselman again at the number he provided at our 2/17/09 meeting 718-449-8300 and left a message to call back the DEC. 3/26/13 - Obligado - I discussed this open case with Legal.

Legal requested I draft another case initiation form. 4/5/13 - Obligado - I drafted another case initiation form. 3/18/14 - Obligado - I spoke with Mr. Jack Hulla 914-438-9567, who is the owner of the Dr. Office. We discussed the site issues. According to Jack, they have not experienced any complaints of gasoline odors. I asked him for the contact info for the Property Management. The contact is Jeff Winters, of Brooklyn Property Management 718-499-4838. I called MR. Winters and left a message to call DEC. 4/2/14 - Obligado - I sent a letter to Kisselman notifying him that the Department intends to start a state funded cleanup if he didn't respond with a workplan within 30 days. Letter sent to last known addresses via certified mail receipt #7005 2570 0001 3265 8942 and #7005 2570 0001 3265 8959. I also called and spoke with Jeff Winters. I told him DEC intends to do state spill fund clean up since developer has not cooperated. I sent a letter to Mr. Jeff Winters at Brooklyn Management Company which represents the Condominium, notifying him that the DEC intended to complete the cleanup using the spill fund and requesting that he sign and return an access letter. 5/6/14 - Obligado - According to USPS website 7005 2570 0001 3265 8942 was delivered at 12:25 pm on April 4, 2014 in NEW YORK, NY 10017. According to USPS website 7005 2570 0001 3265 8959 was forwarded and is still in transit. 5/9/14 - Obligado - I spoke with Jeff Winters. He will send me the signed property access form. 5/12/14 - Obligado - Property access received signed by Mr. Winters. 5/13/14 - Obligado - Delivery to Kings Highway DOS service address has been returned undelivered. Based on prior discussion with Randall Austin and Jeffrey Vought, initiated PIN callout. I also called Mr. Dave Lorthioir to schedule

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a site visit. Left message to call the DEC. 5/13/14 - Obligado - I called Mr. Kisselman's office at 718-449-8300, and spoke with the secretary. She said Mr. Kisselman is not in. She asked what this was regarding, and I said 587 Kings Highway Condominium. She said that is not one of his buildings, and I said it was one of his buildings. I left my number to call back the DEC. I asked for the office address: 4102 13th Avenue, Brooklyn, NY 11219. From Google, at this address is: Kiselman Dialysis 4102 13th Avenue Brooklyn, NY 11219 4102 13th Avenue, Brooklyn, NY 11219 Phone: (718) 517-2222 - Fax: (718) 435-0354 5/14/14 - Obligado - After discussion with DEC Vought who recommended holding off on start of work until give additional notification to RP I sent a letter to Kiselman at 4102 13th Ave, Brooklyn notifying that the DEC intends to start a state funded cleanup if a workplan is not submitted. 6/10/14 - Delivery confirmation receipt received. The letter was delivered to Mr. Gene Kiselman, 250 E. 49th St NY, NY 10005 on April 4 2014, receipt signed by Les Milic. 6/18/14 - Obligado - I received the letter sent to Kiselman Dialysis address unclaimed. I resent the letter in new envelope via regular mail. 8/25/14 - Obligado - Again, no response from Kiselman. I spoke with EnviroTrac and Jack Hulla to schedule site meeting for start of DEC cleanup project. 8/28/14 - Obligado - I met Dave Lorthior at the site to discuss upcoming work. He will do a full round of groundwater sampling and collect a vapor sample from the SSDS effluent. We discussed the upcoming work with Dr. Bly and Jack Hulla, the office manager. Monitoring wells still present in the sidewalk. MW1 was popped open. A dedicated bailer was hanging from the well casing. Dave bailed the well. No product was present. Petroleum odor noted in the groundwater. We inspected the system area. The Rotron type blower was humming and appeared to operational. We walked the basement office building. Jack Hulla showed us the former Sub slab vapor points which have been plugged over. The points may still be accessible if necessary in the future. 9/4/14 - Obligado - Email from Dave Lortior - Envirotrac will conduct the following work: 1. Install a test port on the ventilation system and utilize a SUMA canister to obtain an effluent sample. Sample will be submitted to DEC lab and analyzed as per Method TO15. The lab will be requested to add TCE, PCE and other chlorinated solvents to the analyte list. 2. Gauge, purge and sample all monitoring wells. Purge water will be removed the same day as generated. Samples will be submitted to DEC lab. I confirmed via email that the scope of work was acceptable. 10/8/14 - Obligado - I discussed the scope of work further with Dave. Email from Dave, work scheduled for 10/21 and 10/22. 10/9/14 - Obligado - Call Out ID 122628 approved for Test America Lab analysis. Call Out ID 122627 approved for Envirotrac for vapor sampling, disposal of SVE system spent carbon, well development and Groundwater sampling, disposal of purge water, report preparation. 2/4/15 - Obligado - Investigation Received from Envirotrac received. 3/10/15 - Obligado - Completed DEC Review of the report. Forwarded the Investigation Report to NYSDOH Michael Hughes for guidance due to detection of 55 ug/L Perc, 30 ug/L ethanol, and 1900 ug/L TBA in vapor from the SSDS effluent and Envirotrac recommendation for VI investigation. 3/11/15 - Obligado - According to DOH Michael Hughes agrees with recommendation for VI investigation. 3/12/15 - Obligado - Called Jack Hulla 917-804-7088, the Doctor's office administrator to discuss report findings and schedule coming work. Left message to call back the DEC. I called Jeff Winters of Property Management to discuss the report and schedule upcoming work. Left message to call back DEC. I spoke with Jack. He would provide access for Envirotrac do the sampling. 6/22/15

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- Obligado - I received the report documenting the SVI investigation at 587 Kings Highway. The report found 32 ug/m3 PCE in basement air at sample BA-3. SS sample BA-3 had a hit of 420 ug/m3. Ethanol concentrations were high as well, up to 22000 ug/m3. The report recommends additional investigation of solvents and if NYSDOH concurs, mitigation. I emailed the report to Michael Hughes and Nathan Waltz at DOH. 6/29/15 - Obligado - Conference call with NYSDOH and NYCDOH. NYSDOH thinks that the ethanol concentrations are not concerning and likely due to medical chemicals in the building. The PCE data is indicative of SVI occurring in the western portion of the building, likely from an off-site source. They will draft a letter to the property owner recommending that the mitigation system continue to operate. They also will plan to collect an indoor air sample to see if the mitigation system is effective. 7/24/15 - Obligado - I was cc'd a letter from NYSDOH to the property management company and to Lasik. According to the letter In summary, the March 20, 2015 sampling results indicate that the sub-slab soil vapor and indoor air levels of petroleum related compounds are similar to background. However, an additional compound, PCE, was found in sub-slab vapor samples and in indoor air at levels higher than expected, and we believe that actions are necessary to address exposure concerns related to soil vapor intrusion. Therefore, we are recommending that the SSDS remain operating to minimize exposure to PCE. We would also like to collect additional indoor air samples to ensure that the SSDS is adequately mitigating exposure via the soil vapor intrusion pathway when operating. 9/1/15 - Obligado - I sent an email to NYSDOH inquiring if they NYSDOH or NYCDOH planned to proceed with the indoor air sampling. 9/2/15 - Obligado - I received a response from Nate that they are still planning on doing the sampling, but they have not gotten it lined up yet. 9/30/15 - Obligado - I sent another email to Nathan inquiring if they had any updates with regard to the proposed air sampling. 12/30/15 - Obligado - I received a confirmation email from Nathan Waltz that All the results were below the air guideline value of 30 ug/m3, they were all 10 ug/m3; looks like the SSDS is operating effectively in mitigating exposure. Due to the fact that there is no longer petroleum VOCs impacting the 587 Kings Highway Building, and the SSDS system is operating and appears to be mitigating PCE vapors, and based on the most recent gauging and sampling event, there was no LNAPL present in wells and the petroleum VOC plume beneath the site appears to be attenuating as a result of removal of source via soil vapor extraction, chemical oxidation injection groundwater treatment, and natural biodegradation. This spill no longer appears to be a threat to human health or the environment and the spill is closed. 3-9-16 - Obligado - I received an inquiry from Jeff Winters regarding the need to operate the SSDS. I forwarded him the letter previously sent by Nathan Waltz at DOH which recommended that the building continue to operate the SSDS. I advised him to contact Nathan Waltz at DOH regarding any questions about indoor air concerns."

Remarks: "while removing underground storage tank, soil contamination was discovered. clean up pending."

All TTF:

Facility ID: 9901118
Spill Number: 9901118
Spill Tank Test: 2505068
Site ID: 324463
Tank Number: 0
Tank Size: 4000
Material: 2712

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EPA UST: True
UST: True
Cause: 99
Source: 99
Test Method: -
Test Method 2: Not reported
Leak Rate: Not reported
Gross Fail: Not reported
Modified By: RJWHITCH
Last Modified Date: Not reported

All Materials:

Site ID: 324463
Operable Unit ID: 1079882
Operable Unit: 01
Material ID: 304659
Material Code: 0009
Material Name: gasoline
Case No.: Not reported
Material FA: Petroleum
Quantity: .00
Units: G
Recovered: .00
Oxygenate: Not reported

E DESIGNATION:

Name: LOT 7501,TAXBLOCK 6662
Address: 587 KINGS HIGHWAY
City,State,Zip: BROOKLYN, NY 11223
Tax Lot(s): 7501
Tax Block: 6662
Borough Code: BK
E-No: E-45
Effective Date: 8/3/1993
Satisfaction Date: Not reported
Ceqr Number: 93DCP013K
Ulurp Number: 930183 ZMK
Zoning Map No: 22d

Description: Underground Gasoline Storage Tanks* Testing Protocol.
Lot Remediation Date: Not reported